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The Week

BERLIN'S figures for submarine sinkings began by agreeing with Lloyd's figures, but have since steadily diverged. The loss of 22,000 tons announced by the Overseas News Agency as reported on February 12, would coincide with Lloyd's figures of 22,424 tons for February 10. On the other hand, Berlin's figure for February 13 is 25,000 tons, as against Lloyd's figure of 14,000 tons. After this date comparisons grow more difficult because of the German method of recording scores by individual U-boats instead of by days. Thus it is not impossible that a single submarine within twenty-four hours should have destroyed nearly 52,000 tons of shipping. According to Lloyd's, the two days' score for February 6-7 totalled nearly 75,000 tons. But when Berlin goes on to specify an auxiliary cruiser of 20,000 tons and two transports of 13,600 tons we are at a loss. The largest ship reported by Lloyd's is the Afric, for February 13, with 12,000 tons. The next in size are the California and the Port Adelaide of less than 9,000 tons. The explanation that the German figures are approximations hastily formed at the moment of attack will not do, since the figures for the two transports are exactly stated. At present we must choose between the supposition that Lloyd's is suppressing belligerent losses, or that the Berlin reports are false. It should not be long before the truth is discovered. The disappearance of a 20,000-ton steamship is bound to be known in shipping circles.

WHILE the German thrust last week in Champagne, the British advance on the Ancre, and the continued British successes in Mesopotamia are unmistakable signs of the approach of grand-scale operations, it is only around Kut-el-Amara that there is the possibility of a speedy decision. The Tigris around Kut flows from west to east, but makes a sharp turn to the south and back to the north, forming a narrow peninsula within which lies the town on the left or northern bank of the river. The situation may be compared with Manhattan Island, the Hudson and the East River corresponding to the windings of the Tigris around Kut. The progress of the British forces would then consist in a steady northward thrust on the Jersey side of the Hudson and the Brooklyn side of the East River, so as to bring them well to the north of lower Manhattan, corresponding to Kut. The town itself should by now be commanded by the British artillery, and is probably another Ypres. Nevertheless, the advanced Turkish positions on the right bank of the river, or in Jersey and Brooklyn, have not been cleared away sufficiently to permit the fording of the river into Kut. That Turkish resistance is breaking, however, would be indicated by such appreciable British success as that of last Thursday, with the capture of nearly two thousand prisoners.

WHAT appears to be an effort to impose new German war taxes, sufficient to cover annual interest on the war debt, is reported from Berlin through Amsterdam. The details of this proposal, which are stated to be a part of the Imperial budget for 1917, are not easy to check up. It is declared, however, that the previously existing taxes are insufficient by 1,250,000,000 marks, or, nominally, $312,500,000, to cover annual interest payments on the war loans. The new tax provisions are described as arranging for an increase of $10,250,000 in customs revenue, $520,000 in tobacco imposts, and $72,500,000 in stamp duties. Taxes on production of coal and on railway traffic, amount not stated, are apparently counted upon to cover the rest of the deficiency. Whether the figures are correctly reported or not, they at least seem to indicate uneasiness in the Berlin Finance Ministry over the policy hitherto pursued of making no provision from increased taxes to meet the rising annual payments on the war debt. The declaration of Dr. Helfferich to the Reichstag during 1915, that "we do not desire to increase by taxation the heavy burden which war casts on our people," and his very plain hint that all the costs of war would be paid through an indemnity imposed on the defeated enemy, are evidently now classed among the day-dreams of the early part of the war.

IT was high time that prudent German financiers should reverse that policy; indeed, such previous estimates as have been made of the Imperial revenue and of the annual charge upon the war debt have been far more disquieting than the deficit admitted in the dispatches of Monday. There was apparently a deficit in revenue for the last full fiscal year of peace, ending March 31, 1914; during which year the customs and excise revenue were figured at $351,700,000 and the stamp tax collections at $61,900,000. It is not difficult to imagine what must have happened to the customs revenue, when the blockade had reduced our own exports to Germany from $344,700,000 in the twelve months ending with June, 1914, to $288,000 in the similar period ending last June, and had totally cut off Germany's $200,000,000 annual imports from Great Britain. Including last October's loan, the annual interest due by Germany on her war debt runs close to $550,000,000, and it has been pretty generally inferred that practically all of this yearly payment had to be provided from subscriptions to new war loans. If so, that requirement would have absorbed fully 20 per cent. of the $2,674,000,000 proceeds of the latest war loan. Even if the $312,500,000 deficit named in Monday's dispatches were to be taken as accurate, 11½ per cent. of the October loan would have had to go for one year's interest on the war debt; and the burden was progressive. This meant, in the first place, that with each new loan a smaller proportion of the proceeds could be used for military purposes, and, in the second place, that an enormous increase in taxation would confront the German people, in the days of reaction and hardship after the war was over, merely to provide for interest payments.

THE President's letter directing the Department of Agriculture and the Federal Trade Commission to conduct a joint inquiry into the prices and distribution of food prop-

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erly avoided any note of exaggeration. He pointed out that, not to mention other causes of high prices, our food production has not kept pace with an increase in population of more than 25,000,000 since 1900. Whatever abuses exist in the transportation and selling of food can be reached by the new joint inquiry if they can be reached at all. It has recently been stated that the Department of Justice has reports indicating collusion to assist speculation by diverting freight cars, that the Interstate Commerce Commission has evidence concerning the holding up of loaded refrigerator cars to boost prices, that one or another Federal attorney has proof of "spasmodic and sporadic combinations" of dealers in various parts of the country. Various investigations by district attorneys have been started at various points, and it is said that some have had the effect of reducing prices. But intermittent and scattered inquiries accomplish but little; while the Agricultural Department and Trade Commission will be able together to make a study of distribution which not only may point the way to the stoppage of some nefarious practices, but may show producers and shippers how to substitute efficient methods for some that are honest but economically unsound.

THE request of the news-print manufacturers that the Federal Trade Commission fix the prices of paper during the period from March 1 to September 1 is, perhaps, the logical outcome of the activities of that Commission during the last eight months. It was undoubtedly hastened, if not forced, by the criminal prosecution set on foot by the Department of Justice, and may also have been connected with the premature report that the Canadian Government had taken a hand by commandeering 20 per cent. of the product of each mill for home consumption. This leaves the question of continuing the Federal grand jury's inquiries still open. If crimes have been committed, the Government would, we suppose, hardly care to condone them because of a promise to be good hereafter. Should, however, the Trade Commission consent to act as arbitrator, it should be clearly understood that any price that is fixed now should be subject to frequent revision, so that both producers and consumers may have the benefit of future changes in costs. Although actual price-fixing as here suggested was unquestionably beyond the scope of the intention of the Trade Commission act, it is but little in advance of the quasi-judicial functions which the Commission has been exercising for some time past. This may, however, mark the beginning of a new era in the Government's attitude towards "big business."

COINCIDENT with the attempt of the Commission to settle the print-paper situation come reports of the filing of the Government briefs against the Harvester and Steel Corporations. It will be remembered that divergent decisions were handed down in the Circuit Court, although the general facts of the two industries are substantially identical. The issue here raised surpasses in importance the print-paper situation. In its essence it is this: Do the anti-Trust laws condemn the *structure* of a business organization, or its *methods?* Previous to the Standard Oil decision, the answer was clearly the structure; to-day we wait for the decision of the Supreme Court. Should it decide that the structure of the organization is the final test, the print-paper decision of the Trade Commission would, we presume, be challenged by the Attorney-General, and the usefulness of that body would be limited. But should the Court decide these questions on the basis of methods and results, the door would be open for a tremendous expansion of combination and coöperation, accompanied by the elevation of the Trade Commission to a position of great importance and power over American business.

THE Senate's disposition of some of the ill-considered proposals emanating from the Post Office Department is all that could be wished. It voted decisively last week to retain the pneumatic tube service in the five largest cities of the country, making it mandatory to close contracts for another year. Not one of these cities but has made clear its belief that the tubes are economical and advantageous, if only for handling local mail. A commission may investigate the system with a view to Government purchase. The previous day the Senate also refused to suspend the rules for the purpose of voting on the proposal to reduce drop-letter postage to one cent, and double the rates on second-class matter. Meanwhile, we hear nothing of a Senatorial retreat on the Poindexter amendment; and it is a most encouraging sign for general civil service reform in the post offices that Representative Moon is getting frightened on a variety of points. To forestall any move for the promotion of postmasters by transfer he has now put into the House bill a provision that no postmaster may be appointed to any office which he has not patronized for a year!

IN his latest selection for Postmaster of New York President Wilson has apparently gone on the theory that the city has got tired of the whole matter, and will acquiesce in a tired appointment. Representative Patten is a respectable man with business experience. It would not be fair to say that, after his defeat last November, he is now taken care of as a "lame duck," for he is understood to have ample means. But it is plain that his nomination means nothing in particular, and will arouse no more enthusiasm than would that of any one of a thousand men in New York, as little known as he. We pass over the unfairness of the Postmaster-General in intimating that there are serious charges against Mr. Morgan, without ever having given the latter a chance to know what they are. Our point is that, if Mr. Morgan was to be displaced, every care should have been taken to choose a successor who would instantly be recognized as standing for something. This might have been rare business ability. It might have been high personal repute. It might have been demonstrated zeal for the finest efficiency and an utterly non-partisan spirit in the administration of this the greatest of all the post offices. But Mr. Patten is not known for any of these qualities. The President has missed the opportunity to give the city and the country a great object-lesson in the toning up of the public service.

THE action of the governors of the New York Stock Exchange in declaring that the employment of representatives of the press by members of the Exchange, for the purpose of getting advance or confidential information, is an act detrimental to the welfare of the Exchange, is altogether praiseworthy. It is, we assume, an outgrowth of the leak inquiry, which dealt a serious blow to the reputation of the Washington correspondents by revealing three who were in close association with Stock Exchange

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houses. Indeed, the issue concerns the newspapars far more closely than it does the Stock Exchange or its members. The press is under fire just now in an unusual degree. If it should be widely believed, therefore, that newspaper men are under a dual allegiance, the reputation of the press would suffer still more, and the public would naturally look askance upon its news. The action of the Stock Exchange, which we take to be binding upon itself as well as upon its members, clears the air not a little. There is, however, considerable house-cleaning still to be done in the financial district, where opinion as to what ought to be the relation of financiers and newspaper men is still frequently lacking in appreciation of the proprieties.

IN inviting President Wilson and Senator Johnson to its national conference at St. Louis, the Progressive remnant is but carrying out the favorite principle of its lost leader. On the one hand, as he would say, is the leading liberal Democrat; on the other hand is the leading liberal Republican. On the one hand is the man who carried California for President; on the other hand is the man who carried it for Senator. This beautiful exemplification of the fifty-fifty policy ought to be enough to make its deviser reconsider his decision to desert its faithful upholders. But what is the purpose of their scrutiny of Wilson and Johnson? Are they going to try to make up their minds to follow one of them and take the third party out of the political arena for good? Do they entertain hopes of inoculating them with the Progressive virus, so that President and Senator shall return to Washington singing "Onward, Christian Soldiers" together, to the dismay of their respective camps? Or is the invitation merely a demonstration to certain persons unnamed that we can have an interesting time without you, thank you, and please don't mind anything we may happen to say about 1920?

CONGRESS seems determined to give the liquor traffic less quarter than is given in many of the States with prohibition laws. A number allow the importation of small individual packages of intoxicants, though their right under the Webb-Kenyon law to make their territory "bone dry" is now undoubted. But the Senate on Thursday of last week passed in committee of the whole an amendment to the Post Office bill which forbids shipment in any quantity or under any circumstances into such States. As this would make it possible to stamp out all the "bootlegging" that has thrived on importations by mail or express, and to enforce the law more rigorously in the case of individuals than the States alone could, it will be greeted with joy by those who want to see State "bone-dry" laws supplemented, as well as by those who wish so see "bone-dry" legislation extended to States which do not have it. The thirsty may still order intrastate shipments in the few commonwealths which have not driven out brewery and distillery along with the saloon. Another amendment, which seems to have passed both the House and the Senate committee of the whole, bars advertisements of liquor of all kinds from the mails in States having anti-liquor-advertising laws. Such laws are not yet general in dry States, but are becoming commoner. These measures are straws which possibly betoken a strong support for the Federal prohibition amendment, which will come up in the House, but not in the Senate, this session.

THE severest condemnation of the Trenton prison comes, not from a "professional reformer" or a newspaper investigator, but from the New Jersey State Department of Health. Prison discipline is a task requiring enlightened officials, but precautions regarding health and disease are the commonplaces of any sort of community living. Yet even tuberculosis received the most inadequate attention. A sixth of the active cases and a fifth of the incipient cases were not detected upon admission, and two-thirds of the total number of persons infected received infection in the prison, or at least a reawakening of the disease. New Jersey has thus actually been reviving a scourge which the whole country is systematically fighting! The fact that a third of the deaths from it occurred within a month after the first record of illness is ascribed, not to lack of skill or facilities for dealing with it, but to sheer neglect. Prisoners were apparently not reëxamined at frequent intervals. Neglect is written all over the record. The very lists of the sick are incomplete. A prison which was mediæval in ideas of discipline might at least be expected to perform routine operations satisfactorily. After this, one is not surprised to learn that Trenton did not obey its own rule that consumptives must not exercise with others.

THAT the Ohio Legislature voted to bestow the Presidential suffrage upon the women of that State will surely rouse the anti-suffragists to sober reflections, particularly as there is a similar bill pending in the neighboring State of Indiana, with fair chances of being enacted into law. This was flying directly in the face of the popular will in Ohio, for the last time suffrage was defeated by the electorate it was by a majority of 182,905. Two years before that, in 1912, the majority was only 87,455. Yet the Legislature has not hesitated now, to the extent of its power, to let the women vote. In taking this course Ohio but followed the example of Illinois, and there the suffragists are not content with half a loaf, but are vigorously seeking to push through the Legislature a bill for the submission of a Constitutional amendment giving them the franchise for every office filled at the polls.

THE name of the late John J. Piatt was associated with the early literary development of the West. The literary partner of W. D. Howells before the Civil War, the friend of Hay, the author of "Western Windows," which made its impression in 1869, the literary oracle of Cincinnati many decades ago through the columns of the *Commercial*, he had not, like Howells, kept his name fresh in the public mind. As a poet, Piatt was at his best in his early work. He will be remembered, if for anything, for productions like "The Pioneer's Chimney," a blank-verse description of the life of the first invaders of the West, and for the "Idylls and Lyrics of the Ohio Valley," which seconded the impression made by "Western Windows." Despite the lack of power in his verse, the dilute Longfellowism of much of it, its constant leaning to the sentimental, he seemed to many in the first quarter-century following the Civil War a figure who promised to offer fair expression to some phases of Western life. Always graceful and correct, he did give readers of Western or rural verse something that was not found in Carleton's ballads or Hay's Pike County verse.

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Why Germany Hesitates

IT is now more than a fortnight since Ambassador Bernstorff's passports were handed to him. Yet during that time the German Government has carefully avoided war with the United States. Not only did it fail to make a *casus belli* out of the break itself—as it would have been within its rights in doing—but it has since shown in a variety of ways its desire to avert, if possible, open hostilities. We do not for a moment pretend that the German rulers are prostrating themselves before President Wilson. All that we insist upon is that, thus far, the efforts of Germany to remain at peace with the United States have been unmistakable and significant. How are they to be accounted for?

It is evident that some of the original theories will not do at all. They would have broken down by the weight of their own absurdity even if they had not been destroyed by the event. There was, for example, the very astute explanation that Germany had her reasons for fairly dragging this nation into war with her. She wanted war, some said, as a preliminary to surrender. She would go to her own people and say, "Even we cannot fight the whole world." Others showed their cleverness by divining that the German Government would be glad to be at war with America, so that American supplies, military and other, might be kept back from the Allies. Both of these bright ideas presupposed that the German Government would eagerly embrace the opportunity to go to war with us. But the plain fact is that it is, on the contrary, holding back. Why this hesitation?

It is not necessary to seek for hidden and subtle motives. A plain and common-sense view of the state of the case is enough to show that the German authorities, not being stark lunatics, have powerful reasons for keeping out of war with the United States. These are partly military reasons. It is true that we have had vainglorious reports of the way Ludendorff, now said to be the real "brain" of the German army, whistles down the wind the military power of this country. Our navy could do nothing against German mines and coast fortifications. Before we could raise and train a large army, Germany would have won the war. But we doubt very much if German brains, in the army or out of it, work in a way so superficial. If they were open to ordinary intelligence, they would see how great and how immediate is the force which the United States could throw against Germany. Saying nothing of our ultimate military power, we have already at our disposal vast financial resources. They could instantly be mobilized. Allied loans could at once be floated in this country in sums to make previous operations look petty. And we may be sure that the brain of the German Government, however it may be with the brain of the army, has not overlooked this consideration, or failed to perceive what it would mean in the way of reinforcement to its enemies. Money is scarcer than men in Europe. Supplies are more in demand than fresh army corps. And for Germany needlessly to array against her the greatest reservoir of money and supplies now left in the world would be to act with courage, perhaps, but the courage of fools.

There is doubtless, however, something deeper and more far-reaching behind the obvious reluctance of Germany to become involved in war with the United States. She is thinking not only of immediate effects, but of future consequences. Peace will come, some day, and with peace the struggle of Germany to recuperate. And unless she is to be content to submit to the lasting destruction of all her wonderful industrial expansion of the past thirty years, she will have to think of restoring her manufactures, and reorganizing her ruined shipping, and building up her crippled banking and commerce. But this work of recuperation will be absolutely conditioned upon overseas trade and the cultivation of friendly foreign markets. In all this province the great German opportunity, after the war would lie in the United States. To sacrifice that in advance would be madness. And it is a belief that this would be so which crops out in the isolated protests and warnings that come to us fragmentarily from Budapest and Vienna and from some quarters in Germany. It is the feeling that it would be a counsel of despair to align the whole world against the Central Powers—and this, not so much in fear of what might be done by force of arms, as in dread of the permanent result of leaving Austria and Germany prone for years after the war had ended.

Opinion in Germany

THE New York *Evening Post* published on Saturday a wireless telegram from Theodor Wolff, of the *Berliner Tageblatt*, detailing German opinion on the present crisis. The dispatch is interesting from many points of view. Its reasoning we are unable to follow, but no one can fail to be impressed by the note of sincerity which sounds in it. Herr Wolff and his influential newspaper have been among the strongest Liberal forces in Germany. They were often at sword's point with the Government before the war. And throughout the years of fighting they have, while of course supporting the Government, been steadily on the side of moderate aims and humane measures. Herr Wolff did not need to tell us that there has been a strong party in Germany against annexations by war and the extravagant pretensions of the Pan-Germanists. But most striking is his account of the dejection and sadness which have fallen upon these German Liberals as they see themselves now forced to abandon their position and stand behind the High Command in every extreme of ruthless warfare.

The existence of these various parties, or tendencies, in Germany, even while the war was raging, has been no secret. Now one would seem to be in control of German war policy, now the other. The speech of the Chancellor announcing the decision to unleash the U-boats was on its face the speech of a man whose hand had been forced. He mingled his aggressiveness with defensive and almost apologetic explanations. The evidence was pretty clear that he had changed his attitude with considerable regret and under a good deal of pressure. Where this pressure came from has been much debated. Herr Wolff's telegram makes it plain. The reply of the Entente to President Wilson was seized upon by the advocates of ruthlessness as a full justification for their policy. They pointed to the threat of a subjugated and dismembered Germany, and were soon able to sweep away all opposition. The most moderate and convinced German Liberals were not able to withstand this appeal, although they feared that it would mean the downfall of their fondest hopes. The plight in which they found themselves, as it is pictured by Herr Wolff, is one well-nigh to excite compassion.

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In the logic of Herr Wolff's telegram there is obviously a great jump. He passes too easily from the excessive demands of the Allies to blame of President Wilson for breaking off diplomatic relations. But that was literally forced upon the President by the sudden and unheralded decision of the German Government to recall its former pledges, and to let loose a swarm of undiscriminating death-dealers on the high seas. Herr Wolff ought to be able to see that after the reply of the Entente, and after the President's appeal for peace addressed to all the world, there was an opportunity for the German Government to come to a determination wholly different from that of war to the knife. Germany could have made public her terms of peace. If they had been anything like as reasonable as has been asserted, public opinion in this country and the Government would have been strongly in favor of urging a compromise with the Allies, and of working for a Peace Conference to see if an agreement could not be reached. But the submarine order threw that chance away. It instantly turned sentiment against Germany. It forced an issue upon the United States which even the German Ambassador admitted that President Wilson could have met in no other way. To overlook all this, as Herr Wolff appears to do, and to speak as if it were President Wilson who had thrown the German Liberals into despair, is to misread the facts in the order of their sequence.

There is now available much evidence of the way in which sentiment in Germany in favor of unlimited submarine warfare was skilfully worked up. The impulse apparently came from the military party, and was soon made operative through various organizations. Thus the Committee for a German Peace held a meeting and sent to the Kaiser the following telegram:

> England must be struck to the heart. Our enemies have affirmed more frankly than ever their intention not only of humiliating Germany and her allies, but also of annihilating them. There exists for the German nation but one means of insuring its safety, and that is to fight with all the weapons at its disposal, with all the physical and moral forces, until victory is complete.

At Magdeburg a public meeting was held, resulting in another message to the Emperor:

> No instrument of war must remain unused. We dispose of too few pledges with regard to England. She has our colonies in her hands. She has swept our fleet of commerce from the seas. She has blockaded our coasts.
>
> If we wish to continue the struggle with England we must strike her in a vital spot. We must destroy her mercantile marine.
>
> If the submarine war is so reorganized that political dangers accrue and another enemy is added to our burdens the nation will not be any less unanimous in defending itself against this adversary.

But it was Dr. Rösicke, the president of the German Agriculturists' League, who furnished the finest argument for ruthless use of the submarines. In a speech he said:

> The dear God has pointed out to us the way. He has fashioned the world's harvest so badly that England has her difficulties now in feeding herself. But if we allow England the possibility of bringing ships laden with grain from Australia, India, etc., and do not hinder it, then it is doubtful whether the dear God will send us such an opportunity again. He demands that the hand which He stretches out should be grasped. I hope that our leaders will grasp this hand.

It is obvious that if the German Government now desired to keep the peace with the United States, it could set in motion machinery for creating popular feeling in favor of a modification of the submarine threats. And it might point out that the failure of the submarine campaign showed that the dear God did not approve of it.

Another Menace to the Press

WHEN war is declared, it has been well said, the first casualties are free press and free speech. In order that we may not be behind Europe in this matter, the General Staff of the army has produced a Censorship bill which is to be rushed through Congress, it hopes, the day upon which war is declared. By it our military men might set up a censorship so sweeping that there could readily be forbidden not only the publication of news which might be of assistance to the enemy, but even the discussion of any campaign or of the action of any general, unless the censor permitted it. And they are beseeching Congress not to wait for the declaration of war, but to do it now in order to avoid the "confusion and dissatisfaction" which might be experienced if the "censorship *and control*" should have to be set up after the declaration of war.

Censorship and *control*. It is the latter word that interests our General Staff most. Of course, there must be some kind of suppression of news in war—that is one of the evils which are unavoidable. We had a certain censorship in the Civil War, not always effective, it is true, because, by reason of its being a rebellion within a nation, it was never possible to stop illicit communication between North and South, and because no determined effort to urge the press to be careful not to print matter of value to the enemy was made. But in 1898 there was an effective censorship, effective enough for any valid purpose, and there is an extremely effective one in force at this hour. What newspaper reader knows where our fleet is to-day or what measures are being taken by the navy to prepare for war? The President is approving all measures laid before him relating to defence, but who knows what they are?

With this kind of regulation every one will be content. Why is any more needed? Why should we needs have what was not considered during a four-year struggle for the existence of the Republic? The only reason is that our militarists desire it because they wish to control not merely the news, but the opinion of the country as well. It is true that this does not appear from the bill. It authorizes the President to issue a proclamation "prohibiting the publication of all news referring to the armed forces of the Government or the means and measures that may be contemplated for defence of the country, except when such publication shall have been duly authorized, and he may issue such regulations as may be necessary to render such prohibition effective." But the bill must be read together with the monograph issued in connection with the proposed bill by the General Staff of the army. In this there is indisputable evidence that the control of the press, and not merely the control of the news, is what is in the minds of the authors of the bill. Obviously, given this bill, with the drafting of the regulations left to the officers of the General Staff, it would be easy enough to control the editorial pages as well as the news columns. There is an excellent example of what has happened in the case of the British Defence of the Realm act, which is also a brief and inoffensive sounding

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statute, but under which many of the historic liberties of the Englishman have disappeared; this was not in the mind of Parliament when its assent was given to the measure. Its extension through regulations is what has done the mischief.

At the very beginning of this memorandum of the General Staff is this statement:

> The press, powerful in peace, may become more so in war. By its editorials and presentation of news it may sway the people for or against the war and thus stimulate recruiting and hearten and encourage the fighting forces in their work, or, by adverse criticism, may tend to destroy the efficiency of these agencies.

A little later it recurs to this subject in these words:

> By criticism of campaigns, the action of certain officers or exploiting others, the people will be led to lose confidence in the army with the result that the moral support of the people is lost; they cry for and obtain new generals and new plans of campaign, not based on expert knowledge and thought, with a consequent lengthening of the war or even defeat.

It admits that the people ought to know something about the progress of their troops and their navy, and then it explains that the reconciling of these conflicting needs is the duty of the censorship. To give the army unlimited power over the press so that it might put an end to criticism of the general or campaign that the General Staff liked would be about as dangerous a thing as could possibly be done.

We all know what happened in 1870 when the Emperor Napoleon by his control of the press completely deceived the French Republic as to what was happening. Let us suppose that Gen. McClellan had had behind him a sympathetic General Staff when Lincoln found it necessary to remove him, and that, through its censorship, the General Staff had so controlled the opinion of the newspapers that Abraham Lincoln could not have had the necessary support of the press in his removal of McClellan and of the generals who succeeded him with such disastrous results to the Army of the Potomac. Doubtless, the kind of censorship the General Staff would now like would have prevented any criticism for fear it might have stopped recruiting and have weakened the faith of the people in a successful termination of the war.

Now, it will, of course, be said in some quarters that our American Staff is to be fully trusted; that it will not seek to control editorial opinion. But the minute you begin to interfere with freedom of public utterance you endanger the Republic; this is no less true in war time than in time of peace. It is perfectly conceivable that the fate of the country might hang upon a sharp press campaign to change the management of a war. Some of the profoundest students of our Civil War feel that Lincoln had more military genius than his generals, and that his good advice far more than offset his mistakes in interfering with military operations. But freedom to discuss the fate of the nation ought not to be abridged on any pretext. England has shown this. She has permitted in the main free criticism of her generals and their strategy, as witness the press denunciations of military fallibility in Gallipoli, Mesopotamia, and Servia. This outspokenness has doubtless saved the lives of many thousands of British soldiers whom military incapacity might also have sacrificed. Our own General Staff nowhere shows that it has the slightest appreciation of the duty of the press to interfere like this in order to prevent disaster.

End of the "Leak" Inquiry

THE committee of the House of Representatives which has been for some weeks investigating the alleged "leak" of the President's peace note, announced last Thursday that it would pursue the inquiry no further. But even if it is willing to drop the matter, the press and public ought not to pass over in silence the ignominious end of an affair that was from the first a disgrace to the House. We ought at least to stop long enough to rub in the moral of it. For how can we be sure that Congressmen may not again be swept away by hysterical folly, unless they are made to know what the country thinks of the absurdity of their conduct in this particular instance? Americans are often accused of fatal good-nature in their public life. They forget too easily. The statute of limitations for political crimes they start running too early. They do not follow up exposed tricksters or public men who have made fools of themselves. The inclination is to let such people off with a smile. But in our opinion it would be a great mistake to let the House Committee off, or the members who instructed them to pry into irresponsible gossip, without first telling them plainly what is thought of their indefensible action in all this business since December 22.

It was on that date that Representative Wood introduced the original resolution calling for an investigation. What were the questions (or suspicions) which he raised, and which he wanted the whole power of the House of Representatives used to inquire into? Why, they were "whether or not any one high in the Administration or Government affairs in the United States, or any relative of any one high in authority in the Administration or Government affairs in the United States, profited financially either directly or indirectly, by the fluctuations in the stock market." In explaining his resolution, Representative Wood was even more explicit. "Reports have come to me," he said, "that a member of the Cabinet and others closely related to the Administration were among those who cleaned up on stock-market deals." Here, then, were the original charges. It was these, along with the frenzied vociferations of Lawson, that drove the House wild and led to the ordering of the inquiry. What has come of it? Not one scintilla of evidence to sustain the allegations upon which the House of Representatives based its action.

It is true that, in the course of the inquiry, it was brought out that two newspaper men in Washington had betrayed a confidence. This was a bad business for them, but they can be dealt with by their fellows in a way to maintain the standards of professional honor. Yet this disclosure was entirely incidental to the main inquiry. It was not even hinted at in the original charges. Even Representative Wood, who made of himself a sort of general garbage-can for all the foul things picked out of the gutter, uttered no suspicion that Washington correspondents had anything to do with the leak. He was aiming at higher game. But now it ought to be brought home to him and to the Committee and to the whole House that there has been a complete failure to prove a single one of the charges first made. No official of the Government has been in the slightest degree smirched. Not one scrap of proof has been brought forth to sustain the charges made. The whole fabric of gossip and of lies has fallen about the heads of those who reared it.

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What we assert is that this is too shameful a display by the House of Representatives to be dismissed with a laugh or a joke. If Americans don't take the pains to let their representatives know what they think of such antics, they will deserve to be made the victims of other opera-bouffe performances of the kind. With the later sessions of the Committee, we have no fault to find. After it procured the services of Mr. Whipple, an able lawyer who bore himself like a gentleman, good progress was made in disposing of a pack of rumors. But the first hearings at Washington were marked by incredible recklessness and cruelty in dragging in the names of reputable men, against whom there was nothing but hearsay, ten times removed. And the way in which the Committee allowed itself to be swayed by the ravings of Tom Lawson should be enough, even in memory, to bring a blush of shame to the cheek of every member of it. The whole procedure, the first few days, was such a mixture of stupidity and brutality that it leaves a deep stain upon the reputation of all concerned. Americans did well to be angry about this at the time; they would do well to nurse their wrath until they see that the true lesson of the entire disgraceful investigation has been bitten into the minds of its authors.

Intellect and the War

HAD not experience amply shown that no subject is so remote as to make it exempt from contact with the workings of the great war, one might expect such immunity in the case of a paper on "The Relations of Mathematics to the Natural Sciences." As it is, one is not in the least surprised to find that the bearing of the present state of the world on the future of mathematical research is the theme of the closing remarks in the presidential address with that title delivered at the recent meeting of the American Mathematic Society by Prof. E. W. Brown, the distinguished mathematical astronomer of Yale. While the stupendous events of the past two years have caused the need for scientific research to be emphasized more strongly than ever before, he says, yet it is to be remembered that in this the practical end alone is contemplated, and the purely intellectual side is little regarded. "The future of research in pure science is in danger as never before," he warns.

For this fear there is only too much ground, though in our judgment it would be a deplorable error to accept as inevitable that which is only threatened. No man can say what reaction there may be after the war from that state of mind which the appalling demands of such a conflict as is now convulsing the world inevitably produce. Everything depends on the nature of the peace which is to follow. If it is to be such as will compel a state of gigantic preparedness for a renewal of the stupendous struggle, the constant expenditure and strain directly involved will be no more certain than such consequences in the domain of the intellect as Professor Brown foreshadows, and as other men concerned for the future of intellectual aspiration have undoubtedly been apprehending. If, on the other hand, the world shall be blest with such an outlook at the close of the war as will make the recurrence of such a calamity seem practically out of the question, it is by no means impossible that release from the fearful strain of the war will carry with a spontaneous rush of lofty minds into regions as remote as possible from that into which the life of man had been so inexorably forced during the years of terror. To trust to any analogy of the past, when the present is in some vital respects so utterly without precedent, would be most unsafe; yet it is not without significance that in this very domain of pure mathematics two periods of the highest fecundity have occurred precisely when it might have been supposed that the minds of men were completely absorbed in the tremendous actualities of war. During and for some years after the wars of the First Republic and of Napoleon, there was in France such a flowering of mathematical genius and such splendor of mathematical achievement as have hardly been matched in the history of the world; and it was immediately after the war of 1870 that, after a long period of comparative quiescence, that same spirit flashed out in the brilliant group of mathematicians of whom Henri Poincaré was but one, though the most illustrious, exemplar.

However this may be, there can be no doubt that the gospel of relentless "efficiency" to which the war has given so great an impetus carries, deeply embedded in it, the seeds of hostility to all activities and interests which find their spring in intellectual aspiration or enthusiasm. At best, from the standpoint of the efficiency cult, such endeavors have to be justified by the plea that, divorced as they may seem to be from practical objects, they do conduce to the advancement of the common ends of the nation or of mankind, though the connection may be remote or subtle. The plea can be made good over a very broad area, and in the case of mathematics the constant interplay between the advancement of pure theory and the pursuit of its physical application makes the task easier than in many other cases. But the argument is a thorny one; and that is not the worst of it. The mere necessity of resorting to such a defensive plea, the mere surrender of the proud conviction that the pursuit of truth is in itself a noble end which requires no secondary justification, must immeasurably depress the tone of scientific enthusiasm and impair the energy with which its objects are pursued.

And it has to be confessed that, long before the war began, long before any shadow of its approach had been cast upon the world, another factor was working powerfully towards the production of the same effect. For years, and most of all in this country, the idea that "service" is the only justifiable motive of intellectual endeavor had been steadily gaining ground. It is true that occasion has shown again and again that the intellectual world has not been swept from its moorings; that, as usual, the latest mode had been taken up by persons whose vocal facility produced a false impression both of their numbers and of their weight. Nevertheless, the trend was marked enough to be important; and, unless checked by stanch self-assertion on the part of those whose convictions were deeper, as well as more informed, it threatened grave injury to one of the highest interests of civilized mankind. With the reinforcement which the developments of the war have from so different a quarter brought to this tendency, it is more than ever necessary for those to assert themselves who know how precious to the life of us all is that element which is supplied by the devotion of the lives of some to the pursuit of truth for its own sake, or even for the sake of the fame which is the natural reward of signal success. John Milton had perhaps as high an ideal of service as the youngest of our present-day reformers; yet it was not with contempt that he spoke of those who "scorn delights and live laborious days" in the pursuit of intellectual fame.

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The Position of Brazil

OF all the countries of South America Brazil has come nearest to adopting President Wilson's suggestion to neutrals that they take action similar to that of the United States in regard to the new measures of submarine warfare announced by Germany. The protest which the Brazilian Government has addressed to Germany is couched in emphatic terms, throwing upon Germany responsibility for whatever may happen, and, by implication, leaving it open for Brazil to take such further action in the future as the circumstances may demand. Yet the protest is far from satisfying a considerable section of public opinion. By the majority of the papers of Rio de Janeiro it is criticised with varying degrees of bitterness on the grounds of inadequacy and weakness. Some of the papers frankly desire to follow the lead of the United States in severing diplomatic relations; in one of them is an attack on Dr. Lauro Muller, the Foreign Minister, which speaks of "the terrible doubt of Brazilians as to the predominance of his Germanism over his nationality"; another publishes an interview with Ruy Barbosa, whose outspoken utterances concerning the duty of neutrals to withstand German violations of international law have heretofore stirred up heated controversy, and who now comes forward with some mordant criticism of the protest, which, he declares, will be laughed at in Wilhelmstrasse.

Whatever the outcome of the present crisis may be, the Great War has made the Brazilian nation realize, as never before, that it is composed largely of European stock, and at that of Latin stock. The remarkable ascendency which French culture exerts over many Brazilian thinkers has been a potent influence in ranging public opinion in Brazil on the side of the Allies, and this sentiment was reinforced by the entry of Portugal into the war. It is no exaggeration to say that in Rio de Janeiro public sentiment is overwhelmingly against the Germans; indeed, rumors have been heard of governmental influence being brought to bear upon a prominent journal in the capital on account of its indiscreet propaganda for the Allies. From time to time articles gravely discussing "The German Peril in South America" appear in the public prints, for in southern Brazil are thousands of Germans and German-Brazilians who cherish German culture. The Government of Brazil has striven diligently to maintain towards the belligerents its traditional policy of neutrality, but at times the maintenance of that policy has been difficult. One hears of wireless stations surreptitiously erected on the southern coast of Brazil by German sympathizers and of fishing-smacks which have spied upon the movements of English steamships. The present writer was told, on what he believes to be good authority, that President Braz quietly sent a military commission to southern Brazil to investigate reports of such unneutral proceedings.

Amid a multitude of incidents which illustrate Brazil's quandary in regard to the war, the most typical is that which centres on the trenchant figure, already mentioned, of the Senator from Bahia, Ruy Barbosa. On July 14, 1916, while in Buenos Aires as the special envoy of Brazil to the exercises commemorative of the centenary of the declaration of Argentine independence, Ruy Barbosa gave an address before the College of Law and Social Sciences of the University of Buenos Aires upon modern concepts of international law. He said that at the second Hague Conference forty-four nations had deliberated in regard to international law and had formulated a vast code of stipulations which they solemnly committed themselves to observe. They had pledged themselves at least to protest against any violation of that code. There were not, he maintained, two codes of morality for nations: "For states, as for individuals, in peace or in war, there is only one moral code." He asked how the Hague Conventions could be reconciled with the violation of the territory of neutral nations, with the use of asphyxiating gases, with the destruction of neutral vessels carrying thousands of innocent passengers. Then, premising that he spoke not as an ambassador, but only as a jurist, he declared: "Between those who destroy the law and those who observe it, neutrality is not admissible. Neutrality does not signify impassibility; neutrality signifies impartiality. . . . When there exist written norms between right and justice, to contend for the observance of those norms is not to break neutrality, but rather to practice it. . . . In the face of armed insurrection against positive right, neutrality cannot be abstention, cannot be indifference, cannot be silence."

Ruy Barbosa's address in Buenos Aires was cordially praised by most of the newspapers of Rio de Janeiro, the *Jornal do Comercio* asserting that the Brazilian Government would be compelled to adopt a different foreign policy. On July 17 in the House of Deputies Pedro Moacyr lauded the address and proposed that the House should insert the speech in its annals to show that the Senator voiced not only the policy of the Government, but also the sentiments of the people. Moacyr urged that the House should consider the sentiments embodied in that memorable speech as the inspiration of its acts. His remarks were greeted with applause, and his motion was passed. The official diary of Congress does not reveal how many votes were cast for Moacyr's motion—rumor has it that only a small number of Deputies were present. In the Senate, on the following day, Alcindo Guanabara moved that that body should publish the mooted address in its annals, not as a testimonial of personal homage, but as a ratification of doctrine. The Senate unanimously approved of Guanabara's motion. Amid the chorus of praise which arose from the newspapers there was one dissenting voice: *O Imparcial* disclaimed the perilous interpretation which was given to the action of Congress as signifying that the Government should depart from its firm policy of neutrality.

By way of an apology for that speech, on September 17, Ruy Barbosa delivered an address in the municipal theatre in Brazil's capital. He said that the United States had committed a grave, unpardonable error, "an error fatal to her glory," by failing to protest against the wanton invasion of Belgium and against the methodical violation of the Hague Conventions. "Thus she lost a unique opportunity to assume the leadership among the nations, to become the arbiter among the combatants upon the arrival of peace, and to rally at her side the peoples of the American continent." Eloquently he urged that it was the duty of Brazil to protest. "By the love which I cherish for my country, I desire to see her assume this honor, declined by many other nations which are more important, stronger, and more secure. . . . The juridical questions of the present war and the burning problem of neutrality afford common ground for all America, especially for South America,

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where is found on Teutonic maps a Southern Germany. . . . If the Central Empires are victorious in this war, the German nation, intoxicated by the pride of the triumph, with Europe prostrate at her feet, will not hesitate to settle accounts with the United States, and, violating the doctrine of Monroe—which the United States has not the means to preserve—will proceed to obtain in South America those regions which the cartography of Pan-Germanism has often designated as the natural seat of her leonine sovereignty. Such is my mature, profound, and absolute conviction."

On September 19 Deputy Costa Rego arose in the House and moved that that body should insert in its annals this address of the eloquent Senator. In the course of an exciting debate which ensued, Joaquin Osorio said: "The Alliadophile Deputies do not possess the right to break the neutral policy of this nation—a policy which it has maintained so worthily and so serenely until the present time." Gonçalves Maia promptly interposed: "Your Excellency, as a German, should be with the Boches," to which Osorio retorted: "I am not a German Deputy; I am a Brazilian Deputy. . . . I love my country and wish to preserve her from adventures. . . . Instead of being Alliadophiles or Germanophiles, we should be true Brazilians. This is the occasion for a national spirit." On a test vote Costa Rego's motion was lost by a vote of eleven to one hundred.

WILLIAM SPENCE ROBERTSON

The Conceivable Virtue of Patience

WHETHER our country gets into the present war or not, the fact that we have stayed out thus far is a circumstance that challenges reflection. It has passed into history; it cannot be changed; it is possible to inquire what consequences are flowing from it. We could have been involved in the war readily enough; but we have not been, and every one knows why. The man in power has obviously set his face against it. Some of us are glad, some sorry, and many of us have an uneasy feeling, varied by occasional bursts of exasperation, that things have not been right. Judged by traditional standards of national behavior we have cut but a sorry figure—we have not played an heroic rôle at all.

It is, however, the opinion of some of us that our patience *may ultimately be justified by the outcome.* This view is not one that rests upon divination or revelation, nor yet upon any shred of adherence to the Bryanesque major premises. It does not rest upon the consideration of any one's motives, for we know that results flow from acts, not intentions. It rests upon what seems to us to be the general complexion of public opinion in the present, seen in the light of what we know about the mode of evolution characteristic of human society. Whether we go to war or not makes no difference in the terms of this argument; what follows is an inference from facts already in our possession.

Society works out its successive phases in a massive, secular, impersonal way. Men alter their behavior in adjustment, mainly unconscious, to changing life-conditions. This change, in its oncoming, produces an increasing sense of discomfort that evokes automatic, or partially rational, efforts to evade and escape. Such efforts issue in revolutions and other subversive movements, upon which there succeeds what is later seen to be a "new social order." I need not develop the instance of the French Revolution. The new order has, in a word, theories and standards of behavior different from those formerly prevalent. Of such a subversive movement the present throes of human society form a tremendous case in point; for the sun has never yet viewed, at least on this earth, a parallel social upheaval. Unless social evolution is inconsistent and discontinuous, it cannot subside and pass away without ushering in another "new social order." Certainly there has been enough human woe packed into recent days, and there will be enough in days about to come, so that mankind at large will be concerned to escape a repetition of it in the future. But mankind in the large is short-sighted, distraught, biassed, and inarticulate. Its reactions on its pain are of an instinctive, unreasoned, unplanful, groping nature; they are at best determined by the traditional code, which represents "second nature." They are not foolish; if men see what is expedient to do, they do it—for the codes of this world, however ridiculous some of them look in retrospect, have not been worked out by people who were seeking their own ill or who were deliberately wrong-headed. But if there is to be some formulation of a new code, an agency regularly appears to effect precipitation. If the solution is not ready, the agency fails; if it is, we have, in the agency, an historic determinant. Some man or men there are, at a crisis, who, whether they deserve it or not, come to stand forth as the apostles of the new order. The chances are that they do not know at all exactly what they are bringing about, but act, under some vaguely dominating thought, some undemonstrable theory, or some unforeseeable contingency, so as to embody, and to interpret to itself, the spirit of the age. They represent the variation in social policy of which the course of events is about to test the survival value.

In Europe the traditional methods of settling the issues that are at odds are in full swing. They have had to be employed. In a pinch you use what you have, not what you have not or wish you had. But our situation is not precisely the same. We have been able to try out something else. And for us, acting in the premises as we have done, rightly or wrongly, heroically or shamefully, the apostle of our patience has been none other than the President.

Now I am no apologist for this central figure of the time. I have no way of knowing what is going on in his mind, except such evidence as his actions and words have afforded. I am convinced that he is nobody's fool, nor yet a coward—in fact, it irritates me to hear him called a poltroon, for I do not regard it as an especial proof of intrepidity to send other men out to fight, or of faint spirit not to do so. I realize also that Mr. Wilson has known a a very great deal about the inwards of this situation all along, of which no unprivileged person could know anything at all. I sympathize cordially with the reluctance of any man to plunge a hundred millions of his fellowmen, who have entrusted him with their welfare, into what we have seen the European war to mean. But yet I am one who has gone so far as to wish, at times, for fifteen or twenty minutes of Roosevelt—not more—so that scalp-

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tingling indignation might find balm in the reverberations of mighty rebukes, or even in the battle-cry. I am scandalized at the Belgian performances, at the sinking of the Lusitania, at the Dumba episode, and all the rest. I have been impatient at the monotony of wordy long-suffering; and I have felt a sense of easement at a laconic dismissal. But I mention these details to set them aside. I wish to allude to individuals as little as possible and to keep the point of view as general as may be. It is possible sometimes to see how things are going in the large if we do not permit ourselves to become too intent upon localities and personalities.

If there is any one who is glad we have stayed out of the conflict, he must not lavish all his praise on one man; he must accord some of it to the thousands of obscure voters who endorsed that man. If another wishes we were in the war, he must not blame the President solely, but must also censure the people. There has been a mass of public opinion behind the President in what he has done and left undone; and if there is no health in him, there is none in a large section of the nation. It is not modern, to say nothing about fair, to adhere to the fetichism which declares that the people can do no wrong, and which proposes to take it all out on the people's delegate. Most of the worst of the chief actor's doings, from the critics' standpoint, were perpetrated long before the last election, and were eloquently aired—in so far as antagonists thought expedient—during the campaign. Considering the verdict registered in November, the beneficiary would be justified in adhering strictly to his previous course of "crimes," "betrayals," and "shameful" acts. The man who is sorry we are not at war need not blame the President solely for it. The country did not want war; even the not too astute Republican leaders saw that. Despite everything that had previously happened, the great bulk of public opinion, as registered, was against war. It is well to realize these facts. We were glad, in November, that we had stayed out.

And now, in February, the President makes a move that has almost always, in history, led presently to war; and all but an insignificant fraction of the nation, not boisterously but firmly, albeit reluctantly, approve. They would not have approved unless the conviction had been strong that there was nothing else to do. They could not have had that conviction if the President had not almost exhausted the patience of the country in demonstrating the futility of pacific means. It is exceedingly doubtful whether they would have approved early in the war. But the time-element has been suffered to discharge its typical service; waiting has brought visualization and clarification. It is the voice of a united and solid public opinion that we now hear. It is not sentimental or partisan; it is serious and national. It is a mighty weight thrown into the scales. It is the conviction of this country—that is, of a large fraction of the non-belligerent civilized world—and the pronouncement of condemnation.

To this weight of opinion has now been added the censure of what amounts to the rest of the neutral world. Some of us believe that in this mobilization of adverse opinion the unhurried action of our country has had its powerful influence. We have conducted a painful experiment, before the rest, in the world-laboratory. There is seen to be no excuse for any one else to try it over again until certain influences are excluded from the field. But we believe that our demonstration has been far more convincing because of our long patience and our evident reluctance to appeal, over reason, to sterner and more ominous measures. The traditional was expected; the traditional did not happen. After such an exhibition of patience, and even of meekness or weakness, our action could scarcely evoke distrust and suspicion. Earlier action, whether it would or would not have been preferable on other counts, would have been untimely to attain this result of mobilizing, as it were, the sentiment of the neutral world. We exercised forbearance to the snapping-point, and the rest of the neutrals knew it. None of them blame us for coming to the end of our patience. It is very doubtful whether they would have felt thus a year ago, or two years ago. I do not see any clear indications that they are going to hold us in deep and lasting contempt for quite exhausting all methods short of those that are close on war. If I am not much mistaken, they are convinced that our earlier efforts at settlement would not have remained fruitless if they had been directed towards a nation whose state of mind was amenable to reason. Our experience is an integral, indisputable, and indispensable part of the evidence that has visualized an astonishing peril to the world.

Humanity has been repelled by the revelation. There now rolls up before the Central Powers a gathering cloud of human disapproval the like of which the world has never seen before. It is a nimbus cloud, and there are strong potentials in it. It is going to destroy something. I do not mean all the neutrals are going to join the Allies, or will go so far as we have gone. Some dare not. I mean that when the sky is clear again, certain jarring features of the landscape will not be present.

I am not defending the idea of a peace without a decision. Such a peace is a chimera. And I believe the definitive decision must be preceded, in this case, by a military verdict. But that is not the final decisive event. It is not permanently convincing unless the losers are extirpated or utterly crushed. Military defeat can be explained away or referred to luck; it is might, the vanquished can say, prevailing temporarily over right. "Now," says the man-handled Trojan, "Menelaos has conquered, with Athene's aid, but another time I him; for we, too, have gods." "But I him *another time*"; it is just that other time that remains in pleasing prospect. Then the guns, and the rations, and the omens, and the geese in the Capitol will be up to the scratch.

But now looms up that massive disapproval of the world. It has been in solution against German ways for a long time, ready to precipitate at a shock. It is only in this sense that anybody has had a rod in pickle for Germany; if the "jack-boots" had not scuffled up the floor so much, there would not have been so much resentment. The sentiment of the Allies got the shock and was precipitated some time ago; and now here is a good deal more of this precipitation, as yet without war. Its presence may not be signalized by the drum, yet it is impossible to remain unaware of that presence for very long. But it is this power of public opinion that makes codes of behavior to rise and fall. It is a constant, elemental pressure, never letting up either in war or in peace. It cannot be bombed or torpedoed, for only the subjection of the world and the annihilation of many millions can kill it. Nor can it be ignored or interpreted away, except on the theory that the rest of the world is imbecile and only we are sane—and that is not a livable theory. The world's opinion is too big and impending to

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allow of dialectic in the face of it; it requires adjustment to itself as a life-condition. Its pressure is like that of a denser atmosphere. The hurts it causes to the non-conformer are subtle and baffling. The ensuing discomfort enforces a change of posture and of action; indeed, a change, at length, of the theory itself of behavior. A weight of adverse opinion and dislike, transmutable into very tangible form on occasion, enforces, for any individual or nation that desires to go on living in the world of men, a reëxamination of the code of conduct. It is the world's opinion, rather than military defeat alone, that will, if anything can, put an end, in Germany itself, to elements discordant with the standards of civilization. To the latter norms Germany will have to adjust herself by the elimination of the amazing barbaric code that has been developed alongside unquestioned excellences.

Peaceful trade once supplanted violence, as a better adaptation to life's conditions. Nobody but pirates can now hold that booty-raiding is more expedient than trade. After this conflict, there are likely to be fewer people than hitherto who will sustain the proposition, and be ready to act on it, that war is a good thing in itself and preferable to peace. In fact, contesting nations even now profess to be advocates of peace. Our reluctance to go to war will be judged, as to its rightness or wrongness, expediency or inexpediency, by standards that prevail as the result of this monstrous exhibition of social selection that is going on before our eyes. If the present code were to persist, doubtless we should have to think shame to ourselves because we did not promptly take offence, under lacerating provocation; if the code is altered away from the form long traditional, we may be glad that we did not rush into action, but remained averse to war while the flood of national and world-opinion was rising to its apogee. It may some time be said that America was the first powerful nation that refused to have immediate recourse, under provocation adjudged ample by the world, to the methods of settlement of the primeval ages.

Not one word of criticism, direct or by implication, attaches to those who were forced to stem violence by violence. They deserve honor, and even envy. But we were apart, and not under the same necessity. We have had a chance to try out other means. Proximately they have all failed. But they have worked out a clarification of the issue. The much-criticised notes that exasperated some of us, but somehow managed to break even after a while, and then to show an unforeseen positive product, have resulted in getting the cards of one party on the table, while the other party has shoved back his chair and reached for his gun. We have seen what sort of a game it was.

Nothing could have been more salutary than this "showdown" for the clarification of public opinion. No one knows how much of it to attribute to foresighted statesmanship; but I am not so sure that the head-shaking and some head-hanging which some of us have done was altogether called for. It seems to me that we have contributed not a little to the final settlement of things, by our patience, which neither we nor any other nation could have contributed by acting strictly upon traditional standards. The present is gravid with significance for the future and, whatever our personal sentiments over this and that incident, as it comes along, we ought to discipline our feelings into trustworthiness and to amplify our vision to comprehend a perspective commensurate with the bigness of events.

A. G. KELLER

Correspondence

OUR PURPOSE IN THE WAR

TO THE EDITOR OF THE NATION:

SIR: Now that the break with Germany has come, and the final step seems imminent, it is imperative that the United States make careful note of her reasons for entering the war and of the purpose she hopes to accomplish. Unless these are borne clearly in mind the mad surge of hatred that comes with war will submerge our aim and leave us, hand in hand with Italy, simply another jouster in the tournament of nations.

If we fight for the freedom of the seas let us make it clear to friend and foe alike that that is our purpose and that our concern is not with the balance of power in Europe, and when the cry for a European army comes—as it surely will—let us then recall our warring motive.

Regardless of what our purpose in this war may be, the purposes of both the Entente and the Teutonic Alliance will remain unchanged. The battle on European soil will be fought, as it has been during the past two and a half years, for their purposes and aims, not ours. Whether it was the Balkan problem or the balance of power that lured them on to war, it was certainly not the freedom of the seas. Victory for one group promises little more in that direction than does victory for the other.

Should we marshal our troops with those of England, France, and Russia in the bloody trenches and battlefields of Europe, we should fight for many things far different from the freedom of the seas or the observance of international law. We should fight with equal effectiveness for the avenging of Belgium and the punishment of Greece; for Italy's pay and France's protection; for England's preponderance and Germany's fall; for the suppression of German militarism and the exaltation of English navalism. In short, to fight in the trenches means that we become simply a pawn in the game of European politics.

Our position and protest will best be made effective by simply doing our part to keep the seas clear of enemy warships and submarines, and by preventing so far as is possible under the rules of international law any commerce between Germany and the outside world. So long as we direct our action to our purpose in the war, just so long shall we make it felt. With the entry of our troops on European soil our original aim will be engulfed in a mad eagerness to overcome our foe, and we shall forget, in our alliance with England, that we ever aimed at the freedom of the seas.

MORRISON SHAFROTH

Denver, Col., February 7

THE CASE OF FRANZ BOPP

TO THE EDITOR OF THE NATION:

SIR: In the *Nation* of January 18 you called the country's attention to the conviction of Franz Bopp, former Consul-General of Germany in San Francisco. Mr. Bopp is under sentence of two years in the penitentiary and a fine of $10,000 for having conspired to violate the neutrality laws of the United States. Upon his conviction the German Ambassador appointed Dr. Erich Zoeppfel as his successor.

At a celebration of the Kaiser's birthday in San Francisco, Mr. Bopp was, in the words of the San Francisco *Examiner*—surely no anti-German paper—"made the recipient

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of the most remarkable ovation ever given any man by San Francisco's German population. For close to ten minutes the immense audience cheered and cheered again. Standing on their chairs, men and women waved handkerchiefs and hats, while the sound of the cheering penetrated the walls and attracted a throng of curious listeners." In this way San Francisco Germans showed their loyalty to their adopted country and their respect for its laws.

Still such an attitude might be construed merely as indomitable faith in one who is believed to be the victim of injustice. This interpretation, however, is unwarranted by the words of the present Consul-General, Dr. Zoeppfel, who, according to both the *Examiner* and the San Francisco *Bulletin*, stated in his speech that Mr. Bopp was to be promoted "to a higher and more important post." "Following the gathering" (I quote from the *Bulletin*) "Zoeppfel was asked to explain his statement that Bopp would be promoted, and said that he was merely expressing his opinion. 'The same thing happened in the case of Ambassador Dumba of Austria, Capt. von Papen and others who have been recalled to Europe,' said Zoeppfel."

The more one reflects upon this incident, the more sinister its meaning grows. Franz Bopp is under sentence for having broken the laws of the United States. His fellow-countrymen applaud him; his native country rewards him. Is this not only popular but official approval of criminal behavior? He pleads not guilty, of course. And yet his successor classes him openly with men of whose guilt the Federal Government had not the slightest doubt.

The country at large must know about these things. It must have enough facts to impress disloyal citizens that their efforts at the disintegration of our national spirit are generally known and discussed. Perhaps the force of public opinion will succeed in doing what the benefits of a free life have failed to do. GEORGE BOAS

Berkeley, Cal., January 27

"CURBING OUR SPECULATORS ABROAD"

TO THE EDITOR OF THE NATION:

SIR: Mr. Benjamin Tuska very kindly calls attention to the case of the American Banana Co. vs. United Fruit Co. (213 U. S., 347) as indicating that no department of the United States Government could maintain jurisdiction over our speculators abroad.

In my article of January 4 on "Curbing Our Speculators Abroad," in which I suggested using the Federal Trade Commission as an instrument to that end, I tried to make plain the following points:

(a) That American business men operating abroad should be *requested* to make *voluntary* reports on certain phases of their business.

(b) That, while claiming no legal jurisdiction over our business men abroad, the Government should refuse diplomatic and armed protection to those who failed to make the above suggested reports.

Thus, in the case which Mr. Tuska cites, the Supreme Court had no jurisdiction. But the Government might still have refused diplomatic and armed protection to the defendant corporation had the latter come into conflict with local authorities, and had the charges against it been proved to be well founded.

You may refuse to back up your own brother in a business dispute if he refuses to show you his books and give you the facts of the case. This does not mean that you claim jurisdiction over his business affairs. If he says the facts of the case are none of your business, then it is also none of your business to take sides in his dispute.

In short, the United States ought not to protect those citizens who seek to escape the jurisdiction of its courts and at the same time to retain its armed and diplomatic protection. RICHARD DANA SKINNER

Washington, February 3

LINCOLN'S MOTHER

TO THE EDITOR OF THE NATION:

SIR: In your review of Lord Charnwood's "Life of Lincoln" you failed to contradict the foul fable of the base birth of Lincoln's mother. I refer you to the "Ancestry of Abraham Lincoln," by Lea and Hutchinson, bottom of page 106, top of page 107, and page 112, with footnotes. X

Williamsport, Pa., February 1

A SUGGESTED EMENDATION

TO THE EDITOR OF THE NATION:

SIR: In Act II, Sc. 4, of "Henry IV, First Part," Falstaff washes away his disgust at all cowards in a pint of sack, and as he drinks the Prince says: "Didst thou ever see Titan kiss a dish of butter, pitiful-hearted Titan, that melted at the sweet tale of the sun's?" (reading of the Cambridge edition). Many conjectures have been tried in the attempt to make sense of this passage. Jervis proposed to move the phrase between commas back to its easier position, just after the first *Titan*. Theobald changed the second *Titan* to *butter*. Whatever may be thought of these or a number of other attempts, they all leave the last part of the passage, the really difficult part, in its original obscurity.

There was, perhaps still is, a proverbial phrase "to grease a fat sow on the tail" (so given in Heywood's "Proverbs"; but there are coarser forms of it). Another form, "Every man basteth the fat hog," explains its meaning clearly (Heywood, etc.). It was apparently common, and is quoted by Düringsfeld (*Sprichwörter d. germ. u. rom. Sprachen*, I, No. 458) in many languages. The application (wrongly understood by Heywood's editor, 1906 ed., p. 440, and by Bohn, "Handbook of Proverbs," p. 163) is "to take water to Thames, coals to Newcastle," etc., especially to praise or give gifts to the great. Shakespeare's knowledge of this proverb is proved by "Troilus and Cressida," II, 3, 195 and 205, "that were to enlarge his fat-already pride," though here, as often in his later works, the poet refines upon the idea and the diction of a popular saying. Based on it was another proverb, apparently only known in English and not given by Heywood: "To melt like butter in the sow's tail" (Ray, Bohn's ed., p. 50; Howell, qu. by Lean, "Collectanea," Vol. II, Part 2, p. 790).

This seems to explain the Prince's speech. Modern editions, following the first two quartos, give *tale of the sun's;* but all the other early editions, including the Folios, have *sunne*, or *sonne*. If the manuscript used by the printer had the word *sow*, it would be spelled thus: *souue;* and of course this could easily be mistaken for *sonne*. If, then, *tail of the sow* be read in place of *tale of the sun's*, and we adopt the change of order suggested by Jervis, the passage would

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read: "Didst thou ever see Titan, pitiful-hearted Titan, kiss a dish of butter that melted at the sweet tail of the sow?" And the meaning is that as butter melts fast enough when applied to the tail of a roasting sow, but still faster if Titan, the sun, shines upon it there, so the sack melts away before Falstaff. This meaning seems to be indicated by the Prince when he adds: "If thou didst, then behold that *compound*." It is not necessary, however, to take Jervis's suggestion. The parenthetical "pitiful-hearted Titan," accompanied by the appropriate gesture and action, could easily break into the midst of the phrase without obscuring the connection.

MORRIS W. CROLL

Princeton, N. J., January 23

BOOKS

Rousseau and French Religion

La Formation religieuse de Rousseau. La "profession de foi" de Jean-Jacques. Rousseau et la Restauration religieuse. Three volumes. By Pierre Maurice Masson. 3.50 francs each.

"THIS work had been at the printer's several weeks and was two-thirds in type when war came and set me at my post in the fight. I am still there (22 September, 1915). It seems to me better not to wait for the possible leisure of a peace I shall perhaps not know, and to give now its liberty to all the type I have so long immobilized. . . . The walking with Rousseau is not unseasonable in these days of strife. None has expressed more strongly than the author of the 'Contrat social' the maxims of citizens under arms. . . . But Jean-Jacques Rousseau is also here to remind us that the citizen is not the whole man. . . . Many, without knowing it, owe perhaps to him something of their courage and serenity—those who have not been willing to repeat the blasphemy of Brutus on the field of Philippi and have died confident that Right shall have its revenge with 'the hope of the just man which betrayeth not.'"

Not long after these lines were written as a postscript to his book's preface, the author fell on the field of honor, leading his men.

On the work of Pierre Maurice Masson, dead for his country, the French Academy has bestowed its highest honor. He was already known as a thinker and man of learning, a product of the French University, and a professor in the active Catholic University of Fribourg in Switzerland. The work of such a man could not have the lightness of the lectures of Jules Lemaître nor the discursive spread of the books of Emile Faguet, late Academicians who wrote of his subject. It belongs to a higher sphere of learning. When the religious ideas and religious influence of Rousseau are sought, it is to these volumes the world must come. In them the myriad-minded spirit of Revolution and Restoration in France and in French religion is exposed all but adequately and weighed by a Frenchman intelligent of religion.

In English as in French literature Rousseau has been too commonly the prey of legend. With an infinite difference in the order of magnitudes, he is like Ferrer, who has become a myth in our days. To the common-sense philosopher Hume, who had suffered from his acquaintance, he was mainly mad. To poet Cowper, who was also his contemporary, he stood for Nature.

> I shall not ask Jean-Jacques Rousseau
> If birds confabulate or no.

To religious people, particularly in France, he is one of the two *philosophes* who did most to prepare the destructive work of the French Revolution.

> *Je suis tombé par terre*
> *C'est la faute à Voltaire;*
> *Le nez dans le ruisseau*
> *C'est la faute à Rousseau.*
>
> I fell to the ground
> For Voltaire was around:
> And I dirtied my nose
> The fault was Rousseau's.

Even those who hold Rousseau half-knave and half-madman agree that no such flashes of thought and fire of words have moved the world since printing gave a world to be moved. Kant was influenced by Rousseau and Tolstoy has been his after-glow. The forgotten William Wirt, in a declamation for a past generation of American school-boys, put in his blind preacher's mouth a line of Rousseau that leads up to Professor Masson's three volumes:

> Socrates died like a philosopher,
> Jesus Christ like a God.

Our author rightly and scientifically begins by expounding his subject—and no words can show better the interest of his book.

Before Rousseau had spoken, two or three generations had already been partially *Rousseauistes*. Round Fontenelle and Voltaire and the first *philosophes* were already heard obscurer *vicaires Savoyards* preaching the return to nature, the lassitude of reason, the heart's evidences, and consoling errors. This prophet of the eighteenth century was to be first its interpreter. . . .

At the fiery words of Jean-Jacques, all that had been said before him in the same tune disappeared in the shadow and Rousseauism existed no more save in Rousseau and by him. . . . History would be inexact that should seem to forget the decisive action of the heroes of literature, and the power of renewal which their genius has had. Rousseau is one of the most conclusive examples. He appears suddenly in wild solitude, yet beneath him are clouds that bear him and push him forward. He is perhaps the one who has given French literature its strongest shock; he is perhaps the one whom French literature had been longest preparing.

But after putting Jean-Jacques back in the crowd of sentimental souls where his genius found its food, I could not lose interest in such souls the moment he quitted them. To speak truly, he did not quit them; he survived in them—and it is a way to understand him to stand by at this survival. . . . So I have tried most of all, in this study of the religious influence of Rousseau, to disengage those original forces which, as early as 1790, a wary writer recognized to be "aristocratic" or, as we should say nowadays, "conservative." To Rousseau, "restorer of religion," as Professor Lanson rightly calls him, I attach myself, first because I believe this was the real part he had to play, and then because such restoring action is the only one that can be studied surely. Everywhere else—at least until the Revolution (for in the first half of the nineteenth century there was still a sentimental deism which was equidistant from Christianity and the sensualist ideology, and of which Jean-Jacques was the great master)—his religious or irreligious influence is confounded with that of the Encyclopedists, whose partner he remains without knowing it. For twenty years after his death, I have followed the destinies of his thought; and I stop with the *Génie du Christianisme*. This is not . . . because the religious action of Rousseau had exhausted itself, assured-

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ly no—but because then the work of religious restoration which Jean-Jacques began finishes under Chateaubriand's pontificate and to the latter's profit. After 1802, that which was most living in religious Rousseauism was confiscated by the author of the "Genius of Christianity"—I have wished to limit myself to Jean-Jacques.

This is a long and full programme, rich in interest and importance. Professor Masson was prepared for its execution by the painful documentary work which is necessary to such history. His critical edition of Rousseau's "Profession de foi du Vicaire Savoyard," from the MSS. of Geneva, Neuchâtel, and Paris, with an introduction and historic commentary, appeared just before the war. Those who are amazed to see what light floods the history of the world from such studies in the genesis and genealogies of the world's thought, may profitably compare this programme with what Lord Acton, who read everything, said of Rousseau's political influence:

> His books gave the first signal of a universal subversion and were as fatal to the Republic as to the Monarchy. . . . He owes nothing to the novelty or the originality of his thoughts. Taken jointly or severally, they are old friends, and you will find them in the school of Wolf that just preceded, in the dogmatists of the Great Rebellion and the Jesuit casuists who were dear to Algernon Sidney, in their Protestant opponents, Duplessis Mornay, and the Scots who had heard the last of our schoolmen, Major of St. Andrews, renew the speculations of our time of schism, which decomposed and dissected the Church and rebuilt it on a model very propitious to political revolution, and even in the early interpreters of the Aristotelian Politics which appeared just at the era of the first parliament. Rousseau's most advanced point was the doctrine that the people are infallible. Jurieu had taught that they can do no wrong; Rousseau added that they are positively in the right. The idea, like most others, was not new, and goes back to the Middle Ages. When the question arose what security there is for the preservation of traditional truth if the episcopacy was divided and the papacy vacant, it was answered that the faith would be safely retained by the masses.

Our own author, who cites as far afield as the American Professors Schinz on Pragmatism and Irving Babbitt on "Bergson and Rousseau," seems not to have noticed, or perhaps did not sufficiently appreciate, this parallel process. It was verified without literature in the restoration of French religion after the Revolution. Principles of belief and action retained from the catechism which had been set aside were only waiting for revival from the feelings which Rousseau kept alive.

Worth signalling as working out the origin and sequence of Rousseau's thought more completely than has been done before are the chapters—in the first volume, his successive Calvinism and Catholicism and "philosophy," and the intellectual preparation of the eighteenth century to absorb his thought; in the second, besides its proper subject which is the "natural religion" of his Savoyard Vicar, the still burning question of his "civil religion"; in the third, the historic sense of Rousseauism through the Revolution, and, particularly, the hundred pages devoted to its transmigration through Chateaubriand into Catholicism.

Thither Rousseau's feeling, if not his thought, tended ever. It remains to be seen whether, after this war which may well be as far-reaching in its spiritual results as the French Revolution, feelings unconsciously derived from Rousseau may not take the same flow.

> Water divided from the sea
> Bathes valley and mountain;
> A traveller in the river,
> A prisoner in the fountain,
> Murmuring ever and moaning
> Till it returns to the sea—
> To the sea of its birth,
> Whence its moisture arose,
> Where from long wanderings
> It hopes to repose.

Professor Masson concludes more dryly from Rousseau's actual past: "This son of Calvin wrought, not willing it perhaps but not deploring, for the triumph of 'Popery.'"

Romance in Sundry Guises

Edmée: A Tale of the French Revolution. By Mrs. Molesworth. New York: The Macmillan Co.

In Spacious Times. By Justin McCarthy. New York: John Lane Co.

The Agony Column. By Earl Derr Biggers. Indianapolis: The Bobbs-Merrill Co.

The Fullback. By Lawrence Perry. New York: Charles Scribner's Sons.

MRS. MOLESWORTH is still living, but her characteristic work was done a generation ago, and was of that generation. This story, first published as "The Little Old Portrait," is among the best of her books written professedly "for the young." There is quaintness about it, but one is not certain, on taking thought, that it is not a quaintness of good breeding, a delicacy of feeling and of touch, which the present generation has done its best to brush aside. We sneer at the "sweet pretty" stories of our maiden aunts partly because we have forgotten how to tell them. Romance has been too ready to say to itself, "Well, since I am not 'realism' I am no doubt a silly thing, and may as well be as silly as possible"; and sentiment has too amiably assented that it is probably the same thing as slush. Hence the prevailing slushiness of the sentimental story of to-day—the "Just Davids" and the "Pollyannas" of the tired business woman. The Victorians were not ashamed of sentiment, they recognized it as an essential ingredient of life; and, as a rule, they had enough respect for it to handle it decently. "Edmée" is a tale of true sentiment, and might well serve as a touchstone for innocent souls who would really like, other things being equal, to feel the difference between the true sentiment and the false. The writing of a gentlewoman, kindly, pious, sincere, may well be good medicine for the ragtime "young" of the hour; and there is a certain timeliness for the reader of any age in this story which is told "to show that even in the darkest pages of our poor old world's much-troubled history, bright lines stand out like rays of sunshine through a cloudy sky, telling of noble courage and self-sacrifice for others, of faithfulness till death—of trust in God through the most awful trials."

Mr. McCarthy is a romancer to whom sentiment is a pretty and handy thing, a commodity to be profitably "carried" by dealers in his line. And, indeed, his is very distinctly a "line." He is the fellow who can always turn you out a costume romance that will fill the bill. He writes out of no deeper compulsion than that of the man whose business is writing. He knows how to be lively, how to be picturesque, how to be humorous in the showy way of the public performer. His costumes and properties are always in excellent repair, he has his gadzookses well sorted out from his odds-fishes. He is never guilty of mixing

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either with modern slang, and, a final cause for gratitude, he does not aspire to pursue an archaic effect by means of turning his English upside down or inside out —as a small boy disguises himself with his jacket. But, alas, on the other hand, he never transcends his materials, never rises above the theatrical to achieve the greater illusion, which is romance's golden prize. "In Spacious Times," for example, while it is indubitably well contrived as a whole, and brilliant in spots, remains a contrivance. It shows Queen Elizabeth, as the novelists are fond of showing her, in her vain and babbling dotage. It shows a fair maiden among her ladies-in-waiting, suitably in peril from the advances of a rakish courtier. It shows an aged champion coming to the rescue, by means of an uncommon but not unheard-of ruse. And it shows a young sea-dog, who has fought against Spain and has thereafter scoured the seas with profit, taking possession, with his rough strength, of the fair and skittish Clarenda, to the great momentary disturbance and perfect ultimate satisfaction of everybody concerned. The action and the persons are plausible enough for romantic purposes—if we could only rid ourselves of the suspicion that the story-teller is yawning behind his hand, now and then, and looking at the clock.

"The Agony Column" is a spirited sample of the current magazine "novelette." Here, at all events, is the gusto which we have missed in Mr. McCarthy's yarn. The lack of it is less easily concealed in romances of our own time and place than in the costume novel with its, as it were, mechanical glamour. But current ingenuity has found a substitute for it, also mechanical, in "snap" and "punch," these handy bits of zinc and copper by which galvanic action, at least, is assured. This little story really has a movement of its own. It has a fresh idea, to begin with, not in the initial situation of two young people beginning an acquaintance by way of the "agony column," but in the way the situation develops. The man in the case takes the first step; the girl responds by offering to let him show whether he is interesting enough to be worth knowing. He is to write her a letter every day for a week. Upon her admission that she is fond of romance he sets to work to hatch up a most sensational story of crime and mystery, in which he represents himself as involved more deeply from day to day. By the end of the week he has got himself arrested by Scotland Yard for complicity in a murder which is the result of an international intrigue, and has so wrung the young lady with pity and terror that even after his fraud is acknowledged she cannot escape from his glamorous personality. The whole action culminates at that dramatic instant with which such great play has been made by the story-tellers—the outbreak of the European war; and it belongs to the rush of events that the acquainted pair shall become an engaged couple on ship-board, westward bound.

"The Fullback" presents another very favorable example of romance in yet another of its popular guises. There are now a number of writers who specialize profitably in tales of the college athlete. The difference between this story and most of its kind is that its athleticism is less crude and slangy, and its substitution of an adored type of matinée hero for the human boy less obvious. This Tom Kerry, who in an unknown provincial village has developed into a football marvel, and who is able in one chapter to put asleep a revolver-flourishing bank-robber by means of his "fast ball with a hop at the end," and in the next chapter to fascinate a baseball manager by means of the same ball (and his in-shoot), has the earmarks of his tribe. We know that he is 'varsity material, that he is destined to fly high in the athletic world, in spite of certain necessary troubles. His first trouble, of course, is poverty, and he has some narrow escapes from sacrificing that most valuable of all earthly assets, his amateur standing, at the hands of insidious professionals and unprincipled college touts. Moreover, not coming of college stock, he has to acquire college spirit at "Haledon" by a slow and painful process. He is even capable, a week before the Great Game, of running away in pique. But fate and the inevitable girl fetch him back to Haledon field for the famous Second Half, and, of course, it is he who wins the game (and the girl) by his marvellous work at fullback. This is all the old stuff, a kind of literature largely read, we suspect, by callow youth of the grammar-schools and anæmic office boys. But what if the red-blooders and the pure-beefers, the Jack Londons and the Ralph Henry Barbours, are really authors for the sedentary? No doubt it is better to do and dare by proxy than not at all. Let us thank Romance for her illusions, so long as they are simple and decent, and so long as she honestly shares them.

A Veteran Critic

Sixty Years of the Theatre. By John Ranken Towse. New York: Funk & Wagnalls Co. $2.50 net.

AT the present moment in the history of the theatre in English-speaking countries, the era following the passing of the stock company and heralding the coming of its predestined substitute in the form of repertory, this volume affords a sweeping survey, accompanied with terse commentary, of the theatre in England and the United States during the past fifty years and more. It projects before us, in a varied succession of vivid and illuminated pictures, executed with deft hand and tinted with loving artistry, the figures great and small, and the enterprises successful or abortive, of the second half of the nineteenth century which have coöperated to lend dignity, worth, and distinction to the theatrical art of the English and American people.

Two noteworthy features of this work of genial retrospect and astute commentary are deserving of hearty recognition. The author, whose personal acquaintance with the theatre dates from 1853 and whose long and honorable career of forty-three years as dramatic critic of the New York *Evening Post* is an integral part of the history of the theatre in the United States, enjoys a peculiar and very rare distinction with us in being a trained student and critic, both of the art of acting and of the business of production. The first signal feature of the book to attract attention is the skill which the author has displayed in characterizing the players of the past, major and minor, who have undergone perceptive study at his hands. Almost meticulously avoiding precise dates and quite deliberately excluding allusions to the judgments of others, he gives us, collated from his own contemporaneous notes, vivid and first-hand personal impressions of the art of the great throng of players who have held the boards during the period considered. There is something refreshing, and at times mildly entertaining, in the quiet cocksureness and forthright positiveness with which all the opinions are planked down. No trace of hesitation or dubiety mars these

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obiter dicta. The reason is not far to seek; and this element constitutes the second of the features mentioned. Experience, study, observation have given rise in his mind to certain philosophical principles concerning the art of acting; and it is by these principles, sound and safe, if somewhat simple and partial, that he here consistently judges the art and genius of the actor, the beauty and adequacy of the production. Fundamentally, every player who challenged recognition as possessing true creative power he always subjected to the acid test: could he "present a series of great or widely diverse characters without the obvious assertion of his individual self in any of them"? Under this searching test, Irving and Mansfield and Mrs. Fiske, for example, undergo vigorous challenge or sharp condemnation. The ground for the assertion of the degeneration of the modern stage—easily the author's most challenging assertion—is found in the following succinct expression:

> Hundreds of our players, and not a few of our stars, never dream of acting anybody but themselves. The consequence is that the spectators get no definite idea of Macbeth or Benedick, but only learn how Mr. Smith or Mr. Jones thinks he would comport himself in similar circumstances. In other words, the player who is content to express every character, no matter how diverse, in terms of his own individual habits, ideas, and impulses, trusting simply to external disguise for identification, is not a genuine impersonator or actor at all, although he may be himself an exceedingly interesting personality and uncommonly expert in self-illustration.

Samuel Phelps and Tommaso Salvini, almost escaping criticism in these pages through the attribution of "genius," tower aloft in heroic proportions; and beneath them, on the lower peaks, stand Booth and a lesser host in descending order of magnitude. The progressive degeneration of the stage and declination in the art of acting in English-speaking countries—an existent condition the author is content to posit without proof—he unhesitatingly attributes "chiefly to the establishment of the commercial star and circuit system by speculative managers, possessed of considerable executive ability, but, as a rule, devoid of artistic knowledge, instincts, or ambition; partly to the creation of railroads, which have made the circuit feasible; and partly to the enormous improvements in mechanical and lighting devices, which have increased the possibilities of spectacle and thus enabled managers to attract the remunerative crowd, with whom an appeal to the eye is so much more potent than an appeal to the understanding or good taste." Animating all the author's thinking is the idea that the future of the theatre will be found in a reversion to the old stock company of the past. From those institutions have come many distinguished players; and it cannot be gainsaid that under favorable circumstances the best stock companies showed a certain smoothness of execution and a spirit of team-play highly gratifying to the spectator. But there were certain irremediable defects inherent in the system, which distinguish it sharply from the predestined repertory or neo-stock company of the future. In every performance, it was inevitable that certain players were miscast; but greater than this defect was the monotonous persistence of the same player in a certain type-rôle, no matter what the play might be. There was a repertory of plays without a repertory of rôles: repertory with repertory left out. "Having been brought up on the old stock-company actor," says Bernard Shaw, with characteristic insight, yet comical exaggeration of the truth, "I knew that he was the least versatile of beings—that he was nailed hopelessly to his own line of heavy or light, young or old, and played all the parts that fell to him as the representative of that line in exactly the same way. I knew that his power of hastily swallowing the words of a part and disgorging them at short notice, more or less inaccurately and quite unimprovably (three months' rehearsal would have left him more at sea than three hours'), was incompatible with his ever knowing his part in any serious sense at all."

According to the author—against whom Pinero in "Trelawney of the Wells" has winged his shaft in vain—the actors of the "old school" of stock company were "masters of those accomplishments essential to the proper exercise of their profession, *in which most of our modern actors are conspicuously deficient*" (italics the reviewer's). Elsewhere he says: "Wide is the gulf between their sure and varied artistry and the accomplishment of modern mummers, whose one specialty is in the monotonous repetition of themselves." It is obvious that the revolution in the structure of the playhouse, the transition from the oratorical rhetoric which was a function of the apron-stage to the realistic or plastic objectivity of the picture frame stage, the realism of Ibsen and the naturalism of Hauptmann, on the one hand, the pictorial evocations and scenic innovations of Reinhardt, Craig, and Appia on the other, have already wrought a transformation in the art of acting which finds exemplification in the genius of a Duse, a Sorma, a Henings, a Hanson, a Forbes-Robertson, a Reicher, a Lugné Poë, a Sommerstorff. The repression of modern acting, the subtlety of nuance, the adaptation of histrionic style to realistic form, the far severer tests of modern criticism—all testify to the transformations within recent years which both theatre and drama have undergone.

It is incontestable that the "star system" is productive of the deplorable evils against which the author inveighs. But the remarkable *esprit de corps* and individual finish displayed in the better types of modern repertory—such as the Court Theater under the Vedrenne-Barker management or Frohman's season at the Duke of York's, for example—warrant the belief that modern plays are far better performed by contemporary players in repertory than these same plays would be if entrusted to the tender mercies of the old stock company.

International Law

A Treatise on the Conflict of Laws. Or Private International Law. By Joseph Henry Beale. Vol. I, Part I. Cambridge: Harvard University Press.

PROFESSOR BEALE has a wide reputation as an enthusiastic student and teacher of the Conflict of Laws. Although the topic does not arouse much interest in most law schools, he has made it very popular at Harvard. Large classes elect his course in this subject and report it to be not only stimulating as an academic exercise, but useful to them later at the bar. They agree with him that "international commerce created the necessity for some principle of law which should protect the interests and give effect to the undertakings of the foreigner. As foreign commerce has increased, this necessity has increased with it; and now that our whole manner of life is based upon exchange of products between nations, a body of legal principles to regulate juridical relations is as supremely needed as a similar

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body of principles to give effect to ordinary contracts or protect ordinary property."

This body of principles has received various designations, which are listed and criticised by our author. They fall into two classes: those which emphasize the conflict between the rules applicable to a particular juridical situation, and those which lay stress on the international character of such rules. When we speak of a conflict between legal rules, we do not mean that the laws of various sovereigns contend for mastery. The phrase involves no idea of a struggle between states or legal systems. It is rather descriptive of the fact that when the question arises in a legal proceeding, whether a rule of one jurisdiction or that of another governs the situation, a rivalry exists between them which must be settled, and that settlement determines which rule shall prevail and which shall yield.

Accordingly, Professor Beale adheres to the name which has been used by most Anglo-American lawyers, although he notes that it "exactly applies to only a portion of the principles usually dealt with under the title of Conflict of Laws." In his opinion, it is better to use a term not in itself satisfactory, if it is concise and so sanctioned by use as to be unambiguous, than to attempt inventing a more accurate one which must be long and clumsy.

It is true that the title page bears the alternative designation of "Private International Law." In the text, however, the author states objections to this title, and insists that the conception which underlies it cannot be accepted by the United States or Great Britain. In neither country can nationality be substituted for domicile as a basis of personal rights, because neither has a national law as distinguished from the individual law of its states or component parts. Again, in his opinion, the democratic constitutions of these countries make it politically desirable to delay naturalization of immigrants, whose admission is freely permitted, for several years until they have assimilated the new political ideals. "To abandon these subjects to the law of their native countries would be most unjust. To make them citizens of their new countries would be impolitic."

The present publication is but an instalment of the treatise whose contents are outlined by the author as follows:

> After an introduction, dealing with the nature, history, and bibliography of the subject, the general nature of law, of legal rights, and of jurisdiction will be considered. This will be followed by a detailed theoretical study of legal rights, in which an attempt will be made to establish the time and place in which legal rights come into existence, the legal effect of acts, and the limits of merely remedial action. As a result of this study, a theoretical conclusion will be reached as to the law by which these rights, acts, and remedies shall be governed. The remainder of the work will be devoted to a careful study of the positive common law of England and America. The analysis and arrangement of the law adopted in the theoretical study will be followed in this practical part.

This first instalment ends with the theoretical study above referred to, and is described in the Preface as but a small portion of the entire treatise, whose completion will be a labor of many years. "To master, to think through, and to express one's thought on the topics herein discussed," adds Professor Beale, "is not to be accomplished at the first essay." We interpret this language as justifying the hope that the remaining parts will soon appear in tentative form at least, and that "the many years of labor" assigned to the completion of the project refers to "the further study" and "more matured thought," which the distinguished author modestly engages to bestow upon revisions of the book.

A notable feature of this opening instalment is its exhaustive bibliography, so arranged as to present the chronological development of this branch of law, and rich in brief but trustworthy comment on various writers. The suggestions for collections in public and private libraries possess great value, for they are the utterance of a thorough scholar who has had much experience in gathering law books. The practicing lawyer may be interested to know that he can supply his library with all the necessary works on the conflict of laws for two hundred dollars.

Notes

PUBLICATION of "Indo-Iranian Mythology," in the series "The Mythology of All Races," is announced for February 26 by Marshall Jones Company, of Boston. The Indian section is by A. Berriedale Keith and the Iranian section by Albert J. Carnoy.

E. P. Dutton & Company announce "A Student in Arms," by Donald Hankey; "Only a Dog," by Bertha Whitridge Smith; "The Highwayman," by H. C. Bailey, and "Surnames," by Ernest Weekley.

"The Job," by Sinclair Lewis; "Sudden Jim," by Clarence Budington Kelland, and "Masters of Space," by Walter K. Towers, are published this week by Harper & Brothers.

Dodd, Mead & Company will publish on Saturday "My Second Year of the War," by Frederick Palmer, and "Piccadilly Jim," by Pelham Greville Wodehouse.

Lippincott's forthcoming publications include "Practical Book of Outdoor Rose Growing," by George C. Thomas, jr.; "The Book of the Peony," by Mrs. Edward Harding; and "The Mark of Cain," by Fleming Stone.

AMONG further spring publications announced by the Putnams are the following: "The Hundredth Chance," by Ethel M. Dell; "The Stars in Their Courses," by Hilda M. Sharp; "East o' the Sun and West o' the Moon, and Other Norse Fairy Tales," by G. W. Dasent; "The Old World Through Old Eyes," by Mary S. Ware; "The Light of Provence," by "J. S. of Dale"; "The Way to Study Birds," by John Dryden Kuser, and "The Revolt in Arabia," by C. Snouck Hurgronje.

The Old South Association has in press an Old South Leaflet No. 209, in which is reprinted the draft Constitution which was submitted to the people of Massachusetts and rejected in 1778. There is also an appendix giving details of all amendments to the existing Constitution, both those accepted and those rejected. Copies can be ordered at the Old South Meeting-House, Boston, price five cents each or $4 per hundred copies.

"WITH the worst coming, relentlessly, rapidly, audibly, visibly, no one apparently thought the worst would come." This is not a description of present-day America making benevolent phrases in the face of war, but of Ohio just before Sumter was fired on. It is to be read in the autobiography of Wiliam Dean Howells, "Years of My Youth" (Harper; $2 net). Being of recent Welsh, Irish, and German stock, Mr. Howells feels assured of his Americanism. What is most instructive to an Eastern reader is the tableau of the thinking Middle West of the

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'50's. If they were, in the light of events, foolishly "beamish" as regards imminent war, they were keenly alive to what was best in letters. Young Howells, overcoming a youthful hypochondria while he instructed himself in five languages, was doubtless exceptional. But in his several homes in Indiana and Ohio there were always mates ready to wrangle over the merits of Longfellow and Poe, people who read and pondered the best magazines of the East and of England. Mr. Howells came up in a printer's office, which must have been in its fashion an academe. This picture of a natural and generous intellectual life in small towns of the Ohio valley is, next to the self-revelation of Mr. Howells, the most valuable feature of the book. His own fortitude is modestly enough dissimulated, but apparent from hints. Of the mechanic exercises of a provincial newspaper and the drudgery of legislative reporting at Columbus he made the training for his admirable prose style. As a lad at Dayton, O., he constantly saw the plays of Shakespeare acted. A New York or Boston boy of to-day would hardly have such opportunities. There were odd visitants. One envies the moment when the shabby poet Richard Realf, John Brown's "Secretary of State," swam into Howells's ken exhibiting gifts from Lady Byron. Howells's long apprenticeship ended on the brink of war with a campaign "Life of Lincoln," a consequent fateful appointment to the Consulate at Venice, and a singularly fortunate marriage. The narrative is throughout charming, adroit, gently whimsical, abounding in fine feeling and human wisdom.

THE full mellowness of the manner can only be savored in an extract. We choose an anecdote which tells of a visit to Garfield at Hiram, O., about 1870.

> I was then living at Cambridge [Mr. Howells writes] in the fulness of my content with my literary circumstance, and as we were sitting with the Garfield family on the veranda that overlooked their lawn I was beginning to speak of the famous poets I knew when Garfield stopped me with "Just a minute!" He ran down into the grassy space, first to one fence and then to the other at the sides, and waved a wild arm of invitation to the neighbors who were also sitting on their back porches, "Come over here!" he shouted. "He's telling about Holmes, and Longfellow, and Lowell, and Whittier!" And at his bidding dim forms began to mount the fences and follow him up to his veranda. "Now go on!" he called to me, when we were all seated, and I went on, while the whippoorwills whirred and whistled about, and the hours drew towards midnight. The neighbors must have been professors in the Eclectic Institute of Hiram, where Garfield himself had once taught the ancient languages and literature, and I do not see how a sweeter homage could have been paid to the great renowns I was chanting so eagerly, and I still think it a pity my poets could not have eavesdropped that beautiful devotion.

The same remarkable page tells of Garfield's view of the demoralizing effect of the Civil War, more or less in the form of a personal confession. It must have been a full evening, and we are grateful to Mr. Howells for perpetuating it in forms of truth and charm.

ALICE and Claude Askew, after assisting during the winter of 1914-15 to organize the "First British Field Hospital" for service with the Servian armies, accompanied the unit with the purpose of turning the experience into a book. That book is now before us: "The Stricken Land: Serbia as We Saw It" (Dodd, Mead; $3 net). The authors surely had more than enough opportunity. Landing at Salonica on April 15, 1915, they traversed the length of Servia before the storm burst in October and, after it burst, joined in the pell-mell retreat from the Bulgarian border to the comparative safety of Scutari and Leash. Before October their progress with the unit was very leisurely from Uskub to Mladenovatz. They filled notebooks with pictures of life in the already stricken land—they attempt to point out peculiar customs, to take us into strange living-rooms, to look with us at humble adornments of walls and floor, to bring before us the daily life of those harassed homes. They sketch for us the historic background of various towns and sections. The chapters leave a clear understanding of the situation in both its political and its domestic aspects. The account from October to January inevitably brings to mind Mr. Fortier Jones's "With Serbia into Exile," reviewed in the *Nation*, October 5, 1916. The differences are interesting. Mr. Claude Askew and his sister were at Pirot on the confines of Servia and Bulgaria when the attack began, but they were with the staff and received much of the official information. They give no such picture of smiling peace as Mr. Jones presents in northern Servia in his opening chapter. The officials understood from the beginning the treacherous designs of Bulgaria, but they counted on Allied assistance in their hour of need. The picture of retreat is not nearly so harrowing as Mr. Jones's. For one thing, they travelled even to the coast with members of the staff, so that their wants were as well supplied as circumstances would permit. They were, moreover, well in advance of the wild wave of suffering and death rolling slowly before the German Juggernaut. Besides, the descriptions are nowhere so concrete, detailed, and vivid as to bring scenes before us in their poignancy. Even in the frantic scramble over the Albanian mountains they picture no such anguish as later trains of refugees endured. But they are at one with Mr. Jones in their unmeasured praise of the heroism of the defeated and fleeing soldiers. That two unrelated observers should unite in admiring the restraint and the fortitude of the Servians left to their own impulses is a significant tribute. The present authors and Mr. Jones further agree in indignation at the Allied mismanagement of aid to the undaunted little nation. Mr. Jones, with no official connection, came in contact with the grossly incompetent British representatives, and made no bones about giving his opinion. The present authors, connected during the whole retreat with members of the Servian staff, are equally outspoken in denunciation of what they conceive to be national and Allied treachery to a nation to which they were bound by the most solemn obligations. The historian of the future cannot overlook these first-hand observations. But he will frown at some of the language employed in the present volume. Colloquial and journalese expressions are frequently in place, but who will abide: "We laid down at last in our wet clothes" (p. 271)?

HAVING won his semi-literary spurs as a popular lecturer in England, Mr. John Cowper Powys had the distinction, two or three years ago, of becoming, in gratifyingly rapid sequence, the initial risk and star performer of a new American publisher. A book on "The War and Culture," a book of verse, two "romances" of odd flavor, and two volumes of impressionist criticism now stand to his credit on that publisher's list. In "Suspended Judgments: Essays on Books and Sensations" (G. Arnold Shaw; $2 net),

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the method of "Visions and Revisions" is continued with enthusiasm. "I have called the book 'Suspended Judgments,'" he says, "because while one lives one grows, and while one grows one waits and expects." Yes, while one lives one grows—or shifts: it is the foible of the impressionist critic amiably to confound these processes. "In 'Suspended Judgments,'" says the author, further, "I have sought to express with more deliberation and in a less spasmodic manner than in 'Visions' the various after-thoughts and reactions, both intellectual and sensational, which have been produced in me, in recent years, by the rereading of my favorite writers. I have tried to capture what might be called the 'psychic residuum' of earlier fleeting impressions, and I have tried to turn this emotional aftermath into a permanent contribution—at any rate for those of similar temperament—to the psychology of literary appreciation." What, then, asks the hidebound critic of the older school, with his weakness for definition, is literary appreciation? What does our free commentator mean by it? We are not long in finding out, since free commentators are notoriously talkative about their freedom. Here it is, on page 4: "The art of discrimination is the art of letting oneself go, more and more wilfully; letting oneself go along the lines of one's unique predilections; letting oneself go with the resolute push of the inquisitive intellect; the intellect whose rôle it is to register—with just all the preciseness it may—every one of the little discoveries we make on the long road."

THIS is already old doctrine: it is a goodly number of years since the soul of M. France set a fashion for other adventurous souls and temperaments. Yet each new psychic wanderer seems to feel at least as much interested in expounding the doctrine as in practicing it. It is the lecturer with a message who speaks the lines we have just quoted: which are vigorous, which hit the ear, and which mean rather little in cold print. Who but a confirmed public speaker could afford to let himself go with a resolute push? Yet, indeed, that is what Mr. Powys and his kind are forever at—relaxing themselves with the aid of their bootstraps. These papers express the reactions and sensations of a temperament furiously determined to be calmly itself. And of course this involves no end of inveighing against hidebound criticism, middle-class decency, and the like. Sex is not the least of the writer's preoccupations, and this is also customary among practitioners of his no-school. We need only cite a characteristic essay in which he seems to have summed up his eulogy of Remy de Gourmont in these terms: "Standing apart from popular idols and popular catch-words, he converses with the great withdrawn souls of his own and previous ages, and hands on to posterity the large, free, urbane atmosphere of humanistic wisdom"; and then adds, by way of clincher, "Remy de Gourmont would have sex and sex-emotions put frankly in the foreground of everything, as far as art and letters are concerned." Alas, have we then been deluding ourselves? Must we still wait for sex to become a popular idol?

IN pursuance of his project of a comprehensive survey of education and culture under the general title of "The Promotion of Learning in India" (the first volume reviewed in these columns having dealt with the work of the early European Settlers) Narendra Nath Law has now published a second volume, "The Promotion of Learning in India during Muhammadan Rule" (Longmans; $4.50 net). The publishers also announce the completion of his task at an early date with a final volume embracing Hindu education. The material indicated in this theme, though partially available in Elliot's "History of India by Its Own Historians," includes a mass of inedited Arabic, Persian, and Urdū sources never conveniently accessible, nor has the subject ever been treated in this intensive manner. In the present volume Mr. Law enters upon a spacious and picturesque story extending over seven centuries. As Mr. Beveridge in his introduction remarks, the author begins with Sultān Mahmūd of Ghaznī (the Chesterfield of the poet Firdausī) whose date is some forty years earlier than the Norman Conquest, and ends with the close of the eighteenth century. With all their fanatical despotism it is interesting to find these ruthless invaders, especially prior to the Mughal dynasty and a permanent settlement in India, imbued with a desire to conserve and encourage learning and culture, even though, if we exclude the eclectic Akbar, this desire was strictly confined to the manifestations of their own faith.

THUS each despot became an inveterate bibliophile, assiduously attracted to his court poets, theologians, historians, musicians, calligraphists, and, under the laxer Mughals, the forbidden art of painting. Each Emperor received, and in turn gave to his heirs, a rigorous scholastic training; many of them, in the early days mindful of their origin, added Turkī to the indispensable Arabic and Persian, while in later times some added Hindī and Sanskrit to their accomplishments. More than one royal lady was famous for scholastic attainments. History was particularly encouraged to supplement the court annals and autobiographies dear to each Emperor, and it is to this literary art that we owe much of our knowledge of the various dynasties. Nor was science neglected, and the ruins of Jai Singh's observatory at Delhi attests the prevalent love of mathematics and astronomy which has been ascribed to the successive Mæcenases. Mr. Law's book is a painstaking record of the munificence and respect shown to libraries and scholarship by the Muhammadans. Emperors set the example, their relatives (Akbar's wet-nurse included) and statesmen followed the habit of founding libraries and liberally endowed *madrasahs*. In more conspicuous examples the college and its mosque were invariably attached to the tomb of the founder: and it is usually tomb or mosque that has survived the wanton destruction that always accompanied new conquests in India, and thus furnishes architectural data on the early dynasties. In respect of these valuable survivals Mr. Law's illustrations are happily chosen. He has written a fascinating history, though he might have placed his dates of Emperors and dynasties at the head of his chapters instead of reserving them for the appendix; also, in the matter of names of persons and especially of places, his scholarly adherence to Persian, Arabic, and Urdū transliterations might have given place, for the benefit of readers unfamiliar with Indian history, to the modern standardized spellings of the Gazetteer. Mr. Law's valorous defence of the literacy of the cultured Akbar against an authority like his sponsor, Mr. Beveridge, should open a controversy interesting to Oriental scholars.

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America to Europe

I GAVE a pittance of my gold
To unimaginable need
And was so proud of what I doled. . . .
It was my blindness, not my greed,
For I have children who could see
And to their vision have been true.
Remember when you think of me
My sons who gave themselves to you,
Who succored patiently and well
The hungry and the fatherless,
Who faced the battle's triple hell
To aid the wounded man's distress,
Who went with singing lips and heart
To the red reaping of the guns.
You judge me by my nobler part
Who know the service of my sons.
Sisters who find me dull to see
And cold to feel and slow to do,
Remember in the days to be
My sons who gave themselves for you!

AMELIA JOSEPHINE BURR

Patriot Shame

I BLUSH for thee, my country, that hast slain
In fifty years not fifty thousand foes,
Hast reaped no harvest of uncounted woes
From corpse-fat furrows drenched with scarlet rain.
Struck, thou didst basely fail to strike again
With prompt reply avenging blows for blows,
And didst by craven parleying suppose
That mutual knowledge might be mutual gain.

Shall others doubt thy courage, strength, and skill
To murder, when thou showest not the will?
Ah, coward country, how I blush for thee!
Shall Reason strip thee of the arms of Pride?
Shall Honor, Glory, Wealth be laid aside
Because a madman preached in Galilee?

CHARLES WHARTON STORK

The First Edition of the Zenger "Trial," 1736

THE Wisconsin Historical Society recently purchased an important file of the *New-York Weekly Journal*, consisting of 136 numbers, ranging from December 17, 1733, to July 11, 1737. Bound in the same volume with these issues of the second newspaper printed in New York is an imprint of excessive rarity—namely, the first edition of "A Brief Narrative of the Case and Tryal of John Peter Zenger," 1736. Probably only one other copy—that in the New York Public Library—is extant. It is a folio of forty pages, printed by Zenger himself, without a separate title-page. At the head of the first page is this title: "A Brief Narrative of the Case and Try/al of *John Peter Zenger*, Printer of the/ *New-York weekly Journal*."/ The caption is set between rows of printer's ornaments, and the colophon reads: "*New York*, Printed and sold by *John Peter Zenger*. MDCCXXXVI."/ There are two lines of errata above the colophon. The most striking peculiarity of the edition is to be found in the pagination, pages 15 to 40 being numbered 17 to 42. James Alexander prepared the narrative for publication.

There are numerous editions of the "Trial," including four published in London in 1738. The present copy is in unusually fine condition, and the Wisconsin Historical Society is to be congratulated upon the possession (acquired with little effort, it is whispered) of this superlatively rare colonial imprint. It was picked up, so to speak, in the East, almost at the threshold of several institutions that would give much to place it upon their shelves. If put upon the market, it is not unlikely that the pamphlet would realize several thousand dollars. But, of course, no library ever parts with such a treasure.

Of the life of John Peter Zenger little is known. He was born in Germany in 1697, but the name of his native place is not recorded. He is said to have been one of a large company of Palatines who were sent to America by Queen Anne in 1710. After serving an apprenticeship of eight years to William Bradford, the printer, dating from October 26, 1711, Zenger went to Maryland. Returning to New York, he there married Anna Catharina Maulin on September 11, 1722. This was his second marriage, the date of the first being unknown. For a short time he was Bradford's partner. One book only is known to bear their joint imprint. In 1726 he started business on his own account, and it is interesting to note that he printed the first arithmetic issued in the Colony—"Vanema's Arithmetica," 1730.

The Administration of William Cosby as Governor of New York, 1732-1736, was marked by many arbitrary acts, which aroused deep public indignation. "The oppressions," writes Mr. Livingston Rutherfurd in his useful book,* "culminated in the trial of John Peter Zenger, which was one of the most stirring incidents of colonial days. Its results were of greater magnitude than any of the participants could have imagined. It established the freedom of the press in North America, it wrought an important change in the law of libel, and marked the beginning of a new era in popular government." Nor is this an overstatement of the case; for the trial of this humble printer constitutes an important episode in our colonial history.

The establishment of the *New-York Weekly Journal* came as the result of a determination on the part of the popular party leaders to show Gov. Cosby to the people of the Colony in his true colors. Zenger, its printer, was probably aided financially in the venture. The first number was issued November 5, 1733—a folio of four pages. The chief contributors were Lewis Morris, James Alexander, William Smith, Cadwallader Colden, and Lewis Morris, jr. Apparently, Alexander was the editor, for among his papers are many articles intended for publication in the *Journal*. Zenger had been indifferently educated, and his skill

*John Peter Zenger: His Press, His Trial, and a Bibliography of Zenger Imprints. By Livingston Rutherfurd. New York: Dodd, Mead & Co. 1904.

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as a printer was not great. Moreover, he was very poor. He appears to have entered upon the project for commercial considerations only, and without any clear understanding of its political significance or of where it might lead him.

The *Journal* was the sensation of the hour; in fact, it was so popular that of some numbers three editions were required to satisfy the demand. Although it abounds in errors due to Zenger's imperfect knowledge of English, it is in every way superior to its competitor, Bradford's *Gazette*, the organ of the Governor. "The paper was sold for three shillings per quarter, and advertisements cost three shillings for the first insertion and one shilling for each insertion thereafter." It contained many articles of merit—and was extremely outspoken!

With such an administration in power it is not surprising that all this resulted in the arrest of Zenger on November 17, 1734, "for printing and publishing several Seditious Libels dispersed throughout his Journals or News Papers, entitled, *The New-York Weekly Journal, containing the freshest Advices, foreign and domestick.*" After many vicissitudes, including nine months of imprisonment, Zenger was defended by Andrew Hamilton, of Philadelphia, an eminent advocate nearly eighty years old, and acquitted. There was much rejoicing among the people, for the victory was indeed a notable one, full of meaning for future generations. Gouverneur Morris declared that "the trial of Zenger in 1735 was the germ of American freedom, the morning star of that liberty which subsequently revolutionized America."

JOHN THOMAS LEE

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Notes from the Capital

Joseph H. Choate

ANY one who fancies that the present German attitude towards the United States is of recent origin would be undeceived by rereading the comments of the lizard press in the Kaiser's country on Joseph Hodges Choate when he retired from his Ambassadorship at the Court of St. James's. They represented him as not liking the English, but becoming an Anglomaniac after England had proved complaisant as to the Monroe Doctrine, abject in the Venezuela controversy, and humble on the Alaska question, because he had further favors to ask. The truculent tone of all this was resented here for the moment, but doubtless has passed generally out of mind. The truth was that Choate won his popularity in England by his democratic ways. He went everywhere, met everybody, and took part in everything that was going on, with such zest that some one dubbed him the Envoy Extraordinary of the American People to the British People; and this disposition being incomprehensible to German officialdom, it must be condemned. How far he was from becoming an Anglomaniac was obvious from the storm he stirred up by suggesting the erection of a statue of George Washington in London, the objectors denouncing the idea of thus honoring a Colonial rebel while so many loyal Canadians who had made sacrifices for the integrity of the Empire were still unrecognized.

That Choate should have celebrated his eighty-fifth birthday in good health, spirits, and mental activity, and bearing so splendid an array of professional and civic honors, seems to refute the old theory that a youth who shines uncommonly in college drops out of sight in later life. He and his brother William, afterwards a famous lawyer and a United States Judge, were graduated in the same class of 1852 at Harvard—Joseph, then but twenty years of age, delivering the Latin salutatory on commencement day, and William the English valedictory. Of Joseph's practice at the bar it has been said that he has been retained in a greater variety of causes involving wholly different issues than any other lawyer in America, ranging all the way from a libel suit between antiquarians, through murder, civil damage, and military trials, up to the constitutionality of the Federal tax and exclusion laws. His skill has been most notable in dealing with the human as distinguished from the material elements in litigation, and that has given him remarkable influence with juries. In a suit by an architect to recover his fee from a rich female patron who shirked her contract with him, Choate likened the case to that of The House that Jack Built. "My client, gentlemen of the jury," he added, "is the unfortunate Jack; and" —waving his hand towards the elegantly gowned defendant —"there stands the Maiden All Forlorn." Again, outlining the career of a social climber from whom he was trying to collect a long overdue debt, he traced her progress, step by step, up the scale till, during a recent European tour, she had been entertained by royalty. "And how, gentlemen," he asked, in a tone of deep seriousness, "did she reach this proud eminence?" Pausing a moment, he answered his own question in a low, impressive staccato: "Upon a mountain of unpaid bills!" The effect of these little touches, in both instances, was more than the opposing counsel were able to overcome.

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Choate is one of the few lawyers who have dared on occasion—and successfully—to lecture a judge on the bench. He once rebuked Justice Van Brunt of New York, courteously but plainly, for inattention to an argument he was trying to make in a scant allowance of time, and Van Brunt had the grace to acknowledge the error and amend it. His most striking performance in that line, however, was when Recorder Smyth had undertaken to punish John W. Goff for an alleged discourtesy to the court while defending a prisoner. Choate came to the rescue, declaring that Goff had not committed the particular offence complained of. "But," interrupted the Recorder, testily, "I saw him do it." "Then," responded Choate, entirely unruffled, "it becomes a question, of course, between your Honor's personal observation and the observation of a cloud of witnesses who testify to the contrary." As the Recorder evidently realized that the odds were against him, Choate followed up the advantage with a bit of homely philosophy. "Was your Honor ever conscious," he asked, "of being absolutely convinced, from the very outset of a trial, that a certain person was guilty? If not, then you are more than human. Was your Honor ever conscious, as the trial proceeded, that it was impossible to conceal your conviction? If not, then you are more than human. Well, that has happened in many courts, and time and again, when it does happen, it rouses the aggressive resistance of every advocate who understands his duty; and he would be false to his trust if it did not rouse him." Although this looked like confession and avoidance for Goff, it carried its point.

In his prime, Choate seemed to me the handsomest man practicing in the Supreme Court of the United States. His well-poised head with its crop of warm-tinted brown hair, his smooth-shaven face with its evenly chiselled features, his tall, symmetrical figure, all set off to the best advantage by the perfection of his costume, made it as much of a pleasure to watch him as to hear him while speaking. The only mannerism to which a finical critic might object was his habit of keeping one hand pocketed while making his few and simple gestures with the other. TATTLER

Reviews of Plays

"THE MORRIS DANCE"

MR. GRANVILLE BARKER is not entitled to serious or extended consideration simply because he is Mr. Barker or because his play is produced at the Little Theatre. If he felt impelled to write a foolish farce of somewhat excessive length and with little redeeming wit in the dialogue, he could at least have produced it without pretentiousness. When we read on the programme that Mr. Ames does not present but "allows" an "outrageous farce" which is "perpetrated by" Mr. Barker, and when a gentleman in evening dress appears before the curtain to apologize in advance for what is about to be inflicted on the audience —well, we expect something exceptionally choice to justify all this buncombe. It is the sort of thing that George Bernard Shaw in his most impish mood might succeed with; Mr. Barker romps ponderously. In the sequel all this prefatory tomfoolery is as though one commenced a dinner with elaborate hors d'œuvres impressively served by plush-clad flunkeys and found that the rest of the meal consisted, like Samuel Weller's "swarry," of "biled leg o' mutton" received from the maculate hands of a maid-of-all-work. Mr. Barker's farce is based upon "The Wrong Box" of Stevenson and Lloyd Osbourne, which it follows fairly faithfully in the main incidents; for the dialogue Mr. Barker alone is responsible. In its favor it may be said that a good deal of ingenuity has been exercised in making the corpse unobstrusive, that there can be no complaint as to the swiftness of the action, and that the scenery and mechanical arrangements are perfect. The two scenes of the second act, in which the corpse is concealed in an artist's piano and removed to a barrister's chambers, are genuinely amusing, but here Mr. Barker is heavily in debt to the excellent performance of Herbert Yost as the nervous artist who unexpectedly finds himself the possessor of a corpse. A good deal of what goes before is a laborious ravelling of the threads to make the tangle of the second act, and most of what follows is a still more laborious unravelling of them. The incidental humor is for the most part of a cheap and obvious character.

In the large cast which is necessary for the production Richard Bennett, John L. Shine, and Ferdinand Gottschalk are conspicuous. S. W.

"LILAC TIME"

IN this piece, at the Republic Theatre, Miss Jane Cowl makes her début as a playwright, in collaboration with Miss Jane Murfin. The co-authors have taken an ancient theme—the lover who rode away intending honorably to come back, but whose return was prevented by the hand of fate—and have applied it to the present war, the hero being a gallant young lieutenant of the British expeditionary force and the too loving heroine a sweet and dainty maiden of a village in northern France. It is a frankly theatrical play, showing the weaknesses commonly exhibited by the actor turned playwright, the kind of piece which brings an occasional lump in the throat that is quite involuntary, and that one forces back with a feeling of resentment. But Miss Cowl suggests the epithets we have applied to the maiden of France and gives a clever performance characterized by an admirable restraint; Orme Caldara fulfils the requirements of the hero, Lieut. Philip Blythe, and Henry Stephenson, by the sound and finished acting that one expects of him, makes impressive the rather indefinite rôle of Major Halloway. The play is chiefly redeemed by a very well-constructed last act which gives Miss Cowl an effective climax and the audience an opportunity to be unneutral. S. W.

THE WASHINGTON SQUARE PLAYERS

TWO original plays and two translations from the French constitute the new programme of the Washington Square Players; and few playgoers will doubt for a moment that all the distinction comes from the French. Maeterlinck's characteristic early adventure in artistic morbidity, "The Death of Tintagiles," which students of his recent essays have reason to believe is now as repugnant to him as it is (for all its impressiveness) to many normal-minded readers and spectators, is adequately presented, with beautiful stage designs and creditable acting. The play's strength lies so clearly in its power of suggestion,

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and in certain atmospheric effects of dread and gloom, that in even an adequate stage presentation it is certain to lose. "A Private Account," by Georges Courteline, conveys with a good deal of Gallic sparkle a story that is reminiscent in miniature of that of Katherine and Petruchio. The Players present a one-act piece of a sort to which they have unfortunately accustomed us in "The Last Straw," by Bosworth Crocker, the overdrawn picture of a janitor who kills himself because of the abuse showered upon him as murderer of a cat. In "The Hero of Santa Maria" we have a genuinely amusing little farce of Indiana life, with elements of real character drawing intermingled with elements of caricature. A self-alleged veteran, who has long tried to cheat the Government out of a pension which is clearly not due him, employs the funeral of his son, reported killed on the Mexican border, with all its rich possibilities in speech-making by the local Congressman, candidate for sheriff, and editor, to induce the latter trio to press his pension claim. His son comes to life in a startling way and with strange results. Kenneth S. Goodman and Ben Hecht are the authors. A. N.

Massenet, "Thais," and Farrar

IN case of war with Germany it is not likely that a ban would be put on German music here, as was done for a time in England and France; for there are too many Germans with us. But a good deal of odium would nevertheless be cast on that music as on everything Teutonic. Under the circumstances, it seems unwise for those who are so imbued with the principles of Teutonic art that they can see nothing good in that of other nations, to flaunt their narrowness in the public's face just at this time. The conductor of the Philharmonic Orchestra, for instance, and the directors and the president, have been violently assailed in recent letters to newspapers because they do not devote their programmes entirely to the "severely classical" music of the German masters, the implication being that that alone is really high-class art, and that it is catering to a vulgar taste to play French, Italian, Scandinavian, or Russian music.

Before the war, oddly enough, Joseph Joachim, Hans Richter, and other subjects of the Kaiser succeeded in imbuing even many of the English with a similar belief. Against it I have fought strenuously for nearly forty years, pointing out that the greatest musical creators are not all Teutonic, and that those who fall short of the highest rank have nevertheless catered to a refined musical taste by producing dainties which it would be as foolish to banish from our concert halls as it would be to exclude artichokes, squabs, caviare, olives, celery, terrapin, and French pastry from our meals because they are less substantial than *Kalbsbraten, Schweinebraten,* and other German delicatessen.

When John Lane published my book on Massenet, one of the leading London periodicals expressed surprise that I should waste my time on so shallow a composer! But Massenet is not always shallow. He is French. Like Gounod, he had the happy French faculty of concealing art and writing music which, while always popular in its tunefulness and apparent simplicity, yet hides in its crystalline depths all the academic scholarship of a professor of harmony and composition at the Conservatoire. In this respect he was like Bizet, who was as scholarly as Brahms, though nobody would ever suspect it, so clever was he in hiding the seams. Brahms doted on Bizet's "Carmen," and Richard Strauss cites from it in his edition of Berlioz's treatise on orchestration. He might have cited from Massenet, too, but was probably not familiar with his works.; for German opera companies can no more do justice to them than the French can to Wagner's music-dramas.

Every nation has its peculiarities of genius and style. It is for us who live so largely on European art products to assimilate them all. For this reason it is always a pleasure to record the addition of another French opera to the repertory of the Metropolitan Opera House, which, since the retirement of Maurice Grau, has not been partial to Parisian products. Last week Massenet's "Thaïs" was added to the list, and, while it would be the rankest flattery to assert that the performance approximated in merit those given by Oscar Hammerstein nearly a decade ago, with Mary Garden as Thaïs, Maurice Renaud as Athanaël, and Dalmores as Nicias, it was nevertheless in many ways meritorious and enjoyable. Mr. Botta, who had the part of Nicias, sang it even better than Dalmores did, but Mr. Amato, who is a favorite in Italian operas, suffered cruelly in comparison with the Athanaël of M. Renaud, which is one of the greatest works in the theatrical portrait gallery.

Curiosity, naturally, centred in Geraldine Farrar. How would she present a part which is inseparably associated with Mary Garden, who made her sensational début with it in New York on November 25, 1908, after having stirred all Paris? This part seemed as if made to order for her, although in reality it was written to the measure of another American prima donna, Sibyl Sanderson. How would still another American cope with it? Some years ago, when I begged Miss Farrar to study this part, she replied she wouldn't for a million dollars. She has now done it for less. It would have been better had she done it then, at least from the theatrical point of view; for, while her voice has grown fuller, so has her physique, and her features are somewhat less mobile than they were. HENRY T. FINCK

Finance

FINANCIAL PREPAREDNESS

WHEN the sudden cancelling of Germany's pledge to observe humanity in ocean warfare brought into sight the possibility of war on our own account, the question was asked uneasily, in many quarters, what the financial effect of such a step would be. Many observers of recent economic history began to ask whether something like the "moratorium," the closing of the Stock Exchange, the emergency paper money, the unprecedented public loans, the adverse exchanges, the shrinkage of foreign trade, and the 25 per cent. income tax, such as have marked the war-time economic history of England, might not conceivably confront us also.

Speaking to a commercial convention, in the week after German-American relations were broken, the governor of the Federal Reserve Board had this to say.

From a financial standpoint, the country is already fully prepared and ready to meet any contingency that is likely to arise. There need be no uneasiness whatever on that score.

Just what did Mr. Harding mean by this unreserved prediction?

The moratorium debts in 1914 had two causes—world-

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wide collapse of credit, resulting from the fact that every great financial market was taken by surprise, and the enormous mass of current debts and obligations which were due to the larger money markets from enemy communities and non-collectible for that reason, and which therefore left the creditors without resources to meet their own maturing indebtedness at home. But all of the world's financial markets are to-day on a war footing; all have adjusted themselves to the new international relations brought about by the European conflict. Only with England and France have our own activities as an investing community been notably increased since 1914. The two-and-a-half years of blockade have reduced our market's debit and credit accounts with Germany to an absolute minimum. What Germany may have owed our markets, when the war began, she paid off by her sale of American securities to New York during the first year of hostilities. What we owed to Germany has been collected—even, so it would seem, the indebtedness incurred through previous German investment in American securities.

The emergency currencies of England and Germany (and, indeed, our own "Aldrich-Vreeland notes" of 1914) were made necessary by the lack of provision for instantaneous currency issues to meet the shortage caused by hoarding of panic-stricken citizens. Machinery for the new circulating medium had to be hastily contrived. Since November, 1914, such machinery has existed in the United States. Its facilities for note issues based on commercial paper, though of the most scientific sort, have as yet been scarcely touched; therefore, its capacity for immediate exercise is almost boundless.

As for shrinkage in foreign trade, our direct trade with Germany has long since virtually ceased to exist; even declaration of war could scarcely make it smaller. If the new supplies of capital which have come to us from the outside world for safekeeping, for mercantile credits, or for profitable use, during our period of neutrality, were in case of war to be suddenly recalled, the effect on the foreign exchanges might be noticeable. That something of the sort might happen, in the way of calling credits home, is conceivable; though even in such case, one would have to assume either apprehension of depreciated American exchange or of a perilous position of America as a belligerent. But if a foreign merchant, banker, or investor wished to transfer such balances to another foreign money market for such a reason, where would he send them? To one of the belligerents? To Holland, always under the menace of possible invasion? To the markets of South America? The question answers itself.

BOOKS OF THE WEEK

FICTION

Hewlett, M. Thorgils. Dodd, Mead. $1.35.
Johnston, W. "Limpy." Little, Brown. $1.35 net.
Maniates, B. K. Our Next-Door Neighbors. Little, Brown. $1.35 net.

MISCELLANEOUS

Carmichael, O. H. Lincoln's Gettysburg Address. Abingdon Press. 85 cents net.
Conway, R. S. The Youth of Vergil. Longmans, Green.
Fishing for Suckers. Boston: George T. Watkins. $1.
Kunz, G. F. Rings for the Finger. Lippincott. $6.50 net.
"Mademoiselle Miss." Boston: W. A. Butterfield. 50 cents.
Work, M. C. Auction Declarations. Winston. $1 net.

RELIGION AND PHILOSOPHY

Hayes, D. A. John and His Writings. Methodist Book Concern. $1.75 net.
White, W. A. The Old Order Changeth. A View of American Democracy. Milwaukee: The Young Churchman Co.

GOVERNMENT AND ECONOMICS

Mathews, J. M. Principles of American State Administration. Appleton. $2.50 net.
Montgomery, R. H. 1917 Income Tax Procedure. Ronald Press. $2.50.
Schwab, C. M. Succeeding with What You Have. Century. 50 cents net.

BIOGRAPHY AND HISTORY

Gibbs, P. The Battles of the Somme. Doran. $2 net.
Hannay, D. Porfirio Diaz. Holt. $2 net.
Lash, Z. A. Defence and Foreign Affairs. Macmillan. 50 cents.

POETRY

Fuller, H. B. Lines Long and Short. Houghton Mifflin. $1.25 net.
Ta-shun, P. Chinese Lyrics. Scribner. $5.

ART

Cram, R. A., Hastings, T., and Bragdon, C. Six Lectures on Architecture. University of Chicago Press. $2 net.

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